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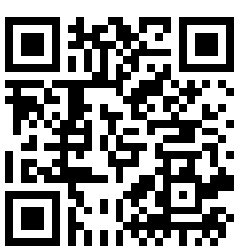

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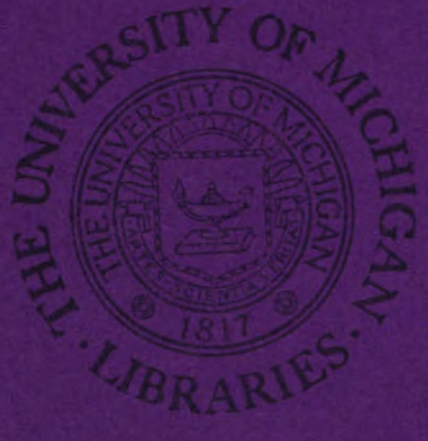

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THE TRANSFER OF POWER
1942-7

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TOP SECRET.

VICEROY'S CAMP.
(Calcutta) INDIA.
27th December 1945.

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My dear Pethick-Lawrence

I am convinced that we must have a plan on which we can proceed if, as is quite likely, the Congress and the Muslim League are unable to come to any agreement on the Pakistan issue. I enclose a paper giving my views. This should be considered at an early date by H.M.G. It involves an important decision of policy, which we cannot postpone. We cannot permit another deadlock in the event of the parties failing to come to terms and we must be ready to make our own award. I need not say that I will do my utmost to avoid being forced to disclose the award. But unless it is there in reserve, I shall have to refer to H.M.G. for orders on the occurrence of a breakdown and the situation in the country would deteriorate considerably while a decision was being made.

2. It is of course essential that knowledge of this breakdown plan should be restricted to the smallest possible number of people and that there should be no disclosure. Otherwise my negotiations will be seriously prejudiced. I hope you will specially warn all concerned on this point.

Yours sincerely
Wavell.

The Right Hon'ble Lord Pethick-Lawrence, PC.

Lord Wavell to Lord Pethick-Lawrence, 27 December 1945. Facsimile of No. 316.

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CONSTITUTIONAL RELATIONS BETWEEN BRITAIN AND INDIA

THE TRANSFER OF POWER 1942–7

Volume VI The post-war phase: new moves by the Labour Government 1 August 1945–22 March 1946

Editor-in-Chief
NICHOLAS MANSERGH, Litt.D., F.B.A.
Master of St. John's College, Cambridge

Assistant Editor
PENDEREL MOON, M.A.

LONDON
HER MAJESTY'S STATIONERY OFFICE

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Lord Wavell to Lord Pethick-Lawrence, 27 December 1945. Facsimile of No. 316

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Lord Pethick-Lawrence in the Secretary of State's room, India Office, 1945 (*Press Association*)

Members of the I.N.A. Defence Committee leaving the Red Fort, Delhi at the start of the first I.N.A. trial

Gandhi on his day of silence, 3 December 1945, with Mr Casey at Government House, Calcutta. See document 264 (*Rt. Hon. Lord Casey*)

The Parliamentary Delegation in Mr M. A. Jinnah's garden, 10 January 1946 (*Publications Division, Ministry of Information and Broadcasting, Government of India*)

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At end of volume

India 1945–6

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Foreword

On 9 March 1966 the Prime Minister, Mr Harold Wilson, announced in the House of Commons that the closed period for official records was to be reduced from fifty to thirty years. He stated that the Government also proposed that the range of Official Histories, which had hitherto been confined to the two great wars, should be extended to include selected periods or episodes of peacetime history and considered that there was scope for extending to other Oversea Departments the Foreign Office practice of publishing selected documents relating to external relations. The Prime Minister hoped that both of these subsidiary proposals, supplementing the reduction in the closed period to thirty years, would be acceptable in principle to the Opposition parties, who would be associated with their implementation.[1]

On 10 August 1966 the Prime Minister announced that a standing inter-party group of Privy Counsellors was to be appointed to consider all such proposals[2] and on 8 June 1967 that its members were, for the Government and to act as Chairman, the Right Hon. Patrick Gordon Walker, Minister without Portfolio; for the Official Opposition, the Right Hon. Sir Alec Douglas-Home; and for the Liberal Party, Lord Ogmore.[3]

A project to publish documents from the India Office Records had been under discussion for some years and on 30 June 1967 the Prime Minister, in replying to a written question in the House of Commons, announced that the first of the new series of selected documents to be published was to relate to the Transfer of Power in India. His statement was as follows:

> As I informed the House on the 9th of March 1966, the Government have decided to extend to other Oversea Departments the Foreign Office practice of publishing selected documents concerned with our external relations, subject to inter-party agreement through the Group of Privy Counsellors whose composition I announced on the 8th of June. I am happy to inform the House that the Group have agreed that in view of the great interest now being shown in historical circles in the last days of British rule in India the first selection of documents to be published under the new arrangements should be documents from the India Office records on the Transfer of Power and the events leading up to it.
>
> The scheme will follow closely the lines of the Foreign Office series of *Documents on British Foreign Policy* from 1919 to 1939, and, as in that series, the editors will be independent historians who will be given unrestricted access to the records and freedom to select and edit documents for publication. Professor P. N. S. Mansergh, Smuts Professor of the History of the

[1] *Parl. Debs.*, 5th ser., H. of C., vol. 725, Written Answers to Questions, cols. 561–3.
[2] *Ibid.*, vol. 733, cols. 1706–7. [3] *Ibid.*, vol. 747, col. 1291.

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British Commonwealth at Cambridge, has expressed willingness to accept appointment as Editor-in-Chief, and the scheme will be in full operation by the end of the year.[4]

Mr E. W. R. Lumby was appointed Assistant Editor and fulfilled the duties of that office until his death on 23 January 1972, by which time the first three volumes in the Series had been published and the fourth was in an advanced stage of preparation.

Sir Penderel Moon, O.B.E., sometime Fellow of All Souls College, Oxford, was appointed Assistant Editor in September 1972 when Volume IV was about to go to press and the editing of Volume V to begin.

Mr C. G. Costley-White, C.M.G., and Mr D. M. Blake, both of whom joined the Historical Section in March 1968, and Dr L. J. Carter, who came in August 1970, have assisted since appointment in the assembly, selection and preparation of documents for publication.

Mrs G. H. Bryant has done the necessary typing for this, as for preceding volumes, and the Editors would like to place on record their indebtedness to her.

The Series will cover the period 1 January 1942 to 15 August 1947. The first Volume, carrying the sub-title *The Cripps Mission* was published in 1970; the second, sub-titled '*Quit India*' and carrying the documentary record forward from 30 April to 21 September 1942, and the third on *Reassertion of authority, Gandhi's fast and the succession to the Viceroyalty* and covering the period 21 September 1942–12 June 1943, were both published in 1971. The fourth Volume, sub-titled *The Bengal Famine and the New Viceroyalty* and covering the period 15 June 1943 to 31 August 1944, was published in 1973, and the fifth on *The Simla Conference: Background and Proceedings* 1 September 1944–28 July 1945, in 1975.

The principles of selection, the arrangement of documents—which is in chronological order throughout in so far as that has been ascertainable—together with other details of presentation were explained in the Foreword to the first Volume (pp. vi–x) with some further comments on particular points added in the Foreword to Volume III (pp. viii–xii). There is no need, therefore, to recapitulate what has been written on these matters here. It may, however, be worth while restating the purpose of the Series. It is to make available to scholars in convenient printed form the more important British historical records relating to the Transfer of Power in India.

N. MANSERGH

Historical Section
India Office Records
January 1975

[4] *Parl. Debs.*, 5th ser., H. of C., vol. 749, Written Answers to Questions, cols. 147–8.

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Introduction to Volume VI

This volume covers the period between the breakdown of the Simla Conference in July 1945 and the departure for India of 'the Magi', the three wise men, on a Cabinet Mission (or Delegation as it was named in the Cabinet Directive of 8 March defining its purposes and in the records of its own proceedings) entrusted with the task of exploring possibilities of a constitutional settlement. In a sense, therefore, the period may be regarded as an interlude between well-known milestones on the road to the transfer of power. But to view it in such terms only would be restricting, even unrealistic. The period was of much significance in its own right, not least by reason of the evidence it provides of the incoming Labour Government's reactions to the questions, long-term and immediate, which cumulatively constituted the Indian problem in the aftermath of a world war.

In Congress circles the Labour party's landslide victory in the British General Election, 1945, was thought of, so it was reported [No. 1], as at once providing 'a spur to quick action' and removing any excuse for delay 'in implementation of pledges indicated by Socialist movement at large', and in succeeding months Congressmen, or their sympathisers, continued to regard 'quick action' as essential if hopes were not once again to be dangerously disappointed and the situation to deteriorate [No. 46, Enclosures to No. 115, No. 138]. In principle such expectations were not out of accord with the Labour Government's own attitude to India as illustrated by the exposition by the new Secretary of State, Lord Pethick-Lawrence, of the spirit in which he approached his task [No. 10]; or with its own sense of urgency as communicated to the Viceroy on 17 August [No. 35] in regard to both the Indian problem in its broad constitutional contours, and to more immediate issues carried over, or resulting from, civil disturbance and war, such as the release of detenus and the holding of elections.

'The Government here', wrote Monteath to Abell on 20th August 1945, 'are apparently determined to plunge into the Indian constitutional problem and "settle it" without further ado. This may seem a little optimistic to you...' [No. 45]. It was, however, what members of the party continued to expect from and urge upon the Secretary of State and other members of the Government [Nos. 38, 97, 111, 117] who would seem in any event to have been in agreement on the need for quick action.

The question of the treatment of political prisoners preoccupied the Secretary of State in his early months of office. On his own initiative but also in view of the political interest aroused, he showed concern about the possible carrying out of the death sentences in the much publicized Chimur and Ashti cases which derived from the 1942 disturbances [Nos. 8, 9, 12 and 13]; and also in principle for the quick release of detenus generally [Nos. 19, para. 3 and 35, para. 3],

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not excluding members of the Forward Bloc, or the Congress Socialist Party for the removal of all remaining restrictions upon whom Sir Stafford Cripps pressed strongly [Nos. 155, 170 and 182]. Here there were indications of differences in rather more than emphasis between the Labour Government on the one hand and, on the other, the Viceroy and his advisers who favoured gradualness and underlined the need for caution and for the maintenance of security and the morale of the Services [Nos. 14, 16, 47 para. 3, and 67].

A Governors' Conference, arranged before the British General Election results were known, assembled in Delhi on 1–2 August 1945 to consider the consequences of the breakdown of the Simla Conference in the preceding month. The Governors inclined decisively, though not quite unanimously, towards early provincial and central elections; they felt generally that any radical reconstruction of the Executive Council would be unwise short of the formation of a 'political executive', which the Simla Conference was deemed to have shown to be impracticable for the time being; and, again generally, they favoured removal (with limited exceptions) of the ban on Congress organizations, and continuance of the policy of gradual release of detenus. [Nos. 2, 5 and 6]. One recurrent theme was the need to introduce reality into the concept of Pakistan, the Governor of the Punjab forecasting that 'unless the Muslim League could be steered away from the crude version of Pakistan, there would be civil war in the Punjab . . .'. Sir B. Glancy reverted to this theme on 16 August [No. 29; see also No. 47, para. 2] when he reported that Jinnah, whose stock had been standing very high with a large section of the Muslim population since he succeeded 'by his intransigence in wrecking the Simla Conference', was clamouring for elections which, he claimed, 'will show an overwhelming verdict in favour of Pakistan.' The Governor, while considering that 'crude Pakistan may be quite illogical, undefinable and ruinous to India and in particular to Muslims', felt 'this does not detract from its potency as a political slogan.' He also commented, after discussion with a wide variety of people, that the consensus of opinion was that 'if Pakistan becomes an imminent reality, we shall be heading straight for blood-shed on a wide scale; non-Muslims, especially Sikhs, are not bluffing, they will not submit peacefully to a Government that is labelled "Muhammadan Raj".' Hence his own view that it was vital 'to deflate the theory of Pakistan' by making it quite clear that Pakistan, if it came about, would mean the partition of the Punjab. The Viceroy conveyed this assessment to the Secretary of State on 19 August [No. 39] with the comment that H.M.G. would be most unwise to announce its long-term intentions until Ministers had reached a definite conclusion on Pakistan.

Meanwhile, on 13 August [No. 22], the Prime Minister reconstituted the India and Burma Committee, and on 17 August [No. 33] it met to consider the views expressed at the Governors' Conference as reported by the Viceroy. The Committee agreed with the Viceroy's recommendations for the holding

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of early elections in the Provinces and at the Centre, and also suggested that the Viceroy should be invited home for discussions. On 20 August [No. 42] the Cabinet approved the Committee's proposals. On 21 August the Secretary of State, in conveying these conclusions to the Viceroy, indicated to him the outlines of Cabinet policy as being reversion to the post-war content of the Cripps offer, using the newly-elected Provincial Lower Houses as an electoral college for the election of a Constitution-Making Body to which the Indian States would be invited to nominate representatives [No. 50].

On 29 August the Viceroy, on returning home in accord with the Cabinet Conclusion of 20 August, reviewed the situation with the India and Burma Committee [No. 78]. He felt that the Simla discussions had hardened communal feeling considerably and he thought it 'most unlikely' that Jinnah would now enter into discussions without prior acceptance in principle of Pakistan. This in itself, over and above the great hardening of opinion since the Cripps offer, made him very apprehensive lest the setting up of a Constituent Assembly as contemplated in the Cripps offer would be boycotted by one or other of the two communities—by the Muslims were Pakistan not conceded, by the Hindus if it were—or even by both. In his view this meant facing up 'to the root problem' of Pakistan, subjecting the idea itself to an objective analysis, by commission or otherwise, which he did not believe it would survive. The Prime Minister concluded in favour of an announcement on the basis of reiteration of the pledges already given in respect of self-government, an invitation to Indian leaders, after the results of the elections were known, to state their preference for any alternative method under which a new Indian constitution might be devised, failing which H.M.G. would implement their undertaking and arrange for a Constituent Assembly in the terms of the Cripps offer.

In the interval before the Committee next met the Viceroy submitted a *Note on Pakistan* [No. 82] in which he drew particular attention to the problems that would be presented in the Punjab and Bengal should partition be adopted as a last resort for the resolution of the Hindu-Muslim question, quoting in respect of the former its Governor's comments on the danger of widespread blood-shed should Pakistan become an imminent reality. The Viceroy also obtained by telegram the views of the Acting Viceroy and of the Governors of the United Provinces, the Punjab, Bengal and Madras on the likely reactions in India to a statement on the lines proposed by H.M.G. The Governors, with the one exception of Madras, forecast that the reactions would be unfavourable [Nos. 83 and 86], while the Acting Viceroy, Sir John Colville, commented that Congress would accept and the Muslim League 'unhesitatingly reject' the original Cripps offer [No. 87]. Thus fortified, the Viceroy submitted a further memorandum [No. 91] in which he reiterated his objections to a restatement of the Cripps offer without further consultations with the Indian leaders and furnished a revised draft of a statement to be made. Also circulated to the Committee

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were notes by the Postmaster General, Lord Listowel, who in the light of the Viceroy's views felt that all Wavell could now do was to make another effort to gain acceptance for the Cripps proposals or some practicable alternative after the Provincial Elections [No. 88]; by the President of the Board of Trade, Sir Stafford Cripps, who urged that H.M.G. should announce forthwith its intention 'to base a constituent assembly upon the provincial elections', the question of the method to be used being either that contemplated in the Cripps offer or another agreed by the Indian party leaders, and to reconstitute the Executive Council [No. 89]; and finally by the Secretary of State who noted that the fundamental difference that remained between the members of the Committee and the Viceroy was that the Committee favoured an announcement which would say that, in default of an Indian preferred and agreed alternative, a Constitution-Making Body on the lines contemplated in the Cripps offer would be set up after the provincial elections, whereas the Viceroy took the view that H.M.G. should not go further than saying discussions would take place to discover whether the 1942 proposals were acceptable or what modifications of them were required. The Secretary of State drew attention to some of the difficulties of reverting to the Cripps offer and suggested that a draft declaration on lines proposed by the Viceroy 'would be sufficient earnest of our intentions' [No. 90].

When the Committee reconvened on 4 September [No. 92] the Prime Minister underlined the points of difference explaining that the Viceroy was emphatic that the Muslims would not cooperate and that therefore the probable result of setting up the proposed constitution-making machinery would be to provoke civil war, but that further discussions with political leaders might achieve some measure of agreement; whereas he, himself, felt that 'failure to do anything would equally provoke the Hindus to attempt to achieve their aims by forcible means' and that reliance on further discussions, such as had proved fruitless in the past, would again be unprofitable. He indicated the general lines of a brief statement which he thought would overcome the difficulties felt by the Viceroy. On 6 September, at a meeting of the India and Burma Committee at which the Viceroy was present [No. 99], a draft on these lines was agreed. It was also agreed that the Viceroy should accompany the official announcement with a personal statement of his own and that the Prime Minister should likewise make a brief simultaneous broadcast. The outcome was reported to the Cabinet on 9 September [No. 100] and approved by it on 11 September [No. 104; for texts of broadcasts see No. 113 and No. 116 which latter includes the official announcement].

The official announcement affirmed the Government's intention to convene as soon as possible a Constitution-Making Body and authorised the Viceroy, immediately after elections had been held, to undertake discussions with representatives of the newly elected Provincial Legislative Assemblies to ascertain

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whether the proposals contained in the 1942 declaration were acceptable or whether some alternative or modified scheme would be preferable. The Viceroy was also authorised as soon as the election results were known to bring into being an Executive Council having the support of the main Indian parties. [No. 116].

On the basis of a paper submitted by the Secretary of State on 9 September [No. 101] the India and Burma Committee and the Viceroy on 11 September considered the detailed problems likely to be involved in the setting up of a constituent assembly and the devices that might be adopted to resolve them [No. 105]. Representation of the Indian States in the Constitution-Making Body and the related question of the nature of British obligations to the Princes was one aspect that received extended scrutiny [Nos. 105, 137, 168 minute 2,295, 299]. Consideration was also given to an Anglo-Indian Treaty to be associated with independence, the India Office on 28 September [No. 125] initiating departmental enquires into its possible content, a matter involving issues of substance and technicalities and in due course producing substantial documentation temporarily culminating in February 1946 in drafts prepared by Sir Benegal Rau in Delhi and India Office notes for the Cabinet Delegation, as well as more specialised comment [Nos. 403, 465, 498, 516 and 528].

Also on 28 September 1945, the Private Secretary to the Secretary of State revived the idea of sending a small party of members of Parliament to India, firstly, if incidentally, as a somewhat elaborate device for reducing the influence of Krishna Menon in political circles in London, but more substantially, as a means of giving back-bench opinion first-hand knowledge of Indian conditions [No. 124]. The Secretary of State passed on the proposal to the Prime Minister on 4 October [No. 129] and to the Viceroy on 9 October [No. 136] who welcomed it [No. 151]. The composition of the parliamentary group received consideration [Nos. 205 and 287]; the party duly arrived in India on 5 January 1946 [No. 334]; arranged either collectively or individually to meet the President of the Indian National Congress (Azad), Jinnah, Nehru, Gandhi and other Indian leaders [Nos. 307, 308, 357 and 399], before reporting informally on the experiences of their tour in Delhi and London [Nos. 400, 426, 429 and 436].

Meanwhile there were other and more immediate problems which engaged the attention of the Viceroy and his advisers, the Secretary of State, and the India and Burma Committee. The background to them was the maintenance of law and order. To the Viceroy and his advisers this seemed a high, if not the highest, priority and they believed it was, or would be, threatened by an overhasty release of detenus and by the violence of Congress speeches, Nehru's by no means least, [Nos. 210 and 220] which were a recurrent theme of Governors' correspondence and the Viceroy's fortnightly letters. To take one of many possible examples of such expressions of opinion, the Governor of the Central Provinces wrote on 25 October [No. 165] that he could not 'recollect any

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period in which there have been such venomous and unbridled attacks against Government and Government officers' and while he believed it would be possible to maintain law and order he also thought that 'it may again be necessary to abate Congress arrogance and restore the leaders to their former state of mind before it is possible to do business with them'. On 3 November the Viceroy warned Jawaharlal Nehru that 'no Government could continue to tolerate indefinitely incitement to violence or threats to its officials' and that 'the preaching of violence must eventually lead to violence' [Enclosure to No. 188]—to which Nehru is reported to have replied that he did not see how violence could be avoided, if legitimate aims could not otherwise be obtained. He was said to have been equally uncompromising in his reaction to the Viceroy's assertion that the future of India must depend on some compromise between Hindu and Muslim, saying that the Congress could make no terms whatever with the Muslim League under its existing leadership, and 'that it was a reactionary body with entirely unacceptable ideas.' However, the Viceroy noted that Nehru's attitude 'was quiet and friendly throughout', even though 'he seems to me to have reached the state of mind of a fanatic . . .'.

Three days later, on 6 November, the Viceroy sent a Memorandum to the Secretary of State [Enclosure to No. 194] saying that 'we are now faced in India with a situation of great difficulty' in which a Congress ultimatum after the elections was likely to be served on H.M.G. and, in default of its acceptance, a mass movement on a much larger scale than 1942 was likely to be organized with the result that the Viceroy felt he must, 'with the utmost gravity, warn H.M.G. to be prepared for a serious attempt by the Congress, probably next spring, but quite possibly earlier, to subvert by force the present administration in India. Half measures will be of no use in dealing with a movement of this kind, and the choice will lie between capitulating to Congress and accepting their demands . . . and using all our resources to suppress the movement' which 'would involve the use of a considerable force of British troops'. He concluded by asking H.M.G. for a public statement of firm intent with the hope that this might steady the situation.

On 14 November the Viceroy's memorandum was circulated to members of the Cabinet with the Viceroy's report of his meeting with Nehru and extracts from Congress speeches [No. 210]. There followed consideration by the India and Burma Committee and consultation between the Committee and the Viceroy on the form which such a statement should take [Nos. 217, 223, 232, 234, 236, 237, 244, 247]. It was finally made on 4 December [for text see Annexure I to No. 247] with priority and first emphasis given to reassertion of the Government's position that the setting up of a Constitution-Making Body was a matter of 'greatest urgency' and the opportunity this gave to Indians to decide their own future; then to misunderstandings that had arisen through lack of contact in the war years which it was hoped that the visit of the parlia-

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mentary delegation would help to remedy; and, against the Viceroy's judgement last in order of priority, to the need to preserve law and order during the period of transition [see also No. 254, para. 1].

One important element in the Indian situation, as reported to London, was the interplay of problems arising immediately from the war with long-term constitutional questions. Chief among the former were those of action appropriately to be taken, or not taken, against captured or returning members of the Indian National Army. The policy recommended by the Governor-General (War Department) was based on a threefold classification of members of the I.N.A. into "Blacks", "Greys" and "Whites". "Whites", whose loyalty was beyond question, were to be treated as returned Prisoners of War and reinstated in the Army. "Greys"—the rank and file of deserters—were to be treated leniently and receive no other punishment than dismissal from the Army and loss of pay and gratuities. It was contemplated that about 600 of the "Blacks" would be tried by Courts Martial and others (about 7,000) were to be detained as their release was considered dangerous [No. 17]. The Secretary of State replied on 17 August [No. 32] that he was averse to the detention without trial for an indeterminate period of so large a number of persons. The Governor-General (War Department) underlined the practical difficulties of speedy trials, noted that both Gandhi and Nehru were taking 'a keen interest in this matter', and indicated the desirability of an early statement of policy before 'agitation has had time to gather way' [No. 48]. A compromise formula was found which omitted any reference to detention without trial, leaving this question open for further consideration [No. 60], and with the concurrence of the Executive Council a statement of policy was released [No. 85, para. 2].

On 15 October a Defence Committee appointed by the Working Committee of Congress, of which Nehru and Sapru were members, in a letter addressed to the Viceroy requested that trials by Courts Martial of members of the I.N.A. should be abandoned or at any rate postponed and warned that 'issues of great public and political importance' were involved and that 'hasty decisions, not in consonance with popular will and sentiment, will have far-reaching repercussions . . . so deep and widespread is the appreciation of the motives and aims of the movement of which the Indian National Army was an expression' [No. 143]. On 20 October the Secretary of State submitted a Memorandum for discussion at the India and Burma Committee [Nos. 154 and 168, Minute 1] which was followed by a request on 29 October for an independent appreciation by Auchinleck, with the Viceroy's comments on it [No. 176]. Both were duly despatched on 2 November [No. 185] and considered by the Committee on 28 November [No. 247]. A further report was sent to the India Office on 20 November by the Director, Intelligence Bureau [No. 222] which underlined 'the vast importance' given to the subject by the Congress and expressed the

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view that the public feeling which existed was one of sympathy for the I.N.A. 'and genuine disapproval of its conduct is lacking'.

After a further review by the C.-in-C. [Nos. 233 and 241], and a suggestion from the Governor of the N.W.F.P., Sir George Cunningham, that the trials should be abandoned altogether [No. 243], the Governor-General (War Department) informed the Secretary of State of considerable modifications in policy, on the argument that 'abstract justice must to some extent give way to expediency'. The revised policy meant in practice the bringing to trial only of those 'blacks' accused of murder or brutality. It was thought that this would reduce the number of persons to be tried to between twenty and fifty. At the same time, following the review of the question of detention without trial (see above p. xv), it was decided to release all those 'blacks' who were not to be brought to trial. In reaching this conclusion one important factor was the indication that 'the majority opinion in the Indian Armed Forces is in favour of leniency' [No. 252]. The text of the communiqué announcing this revised policy was published on 1 December [No. 258].

Another problem that arose directly from the war was the use of Indian troops in Indo-China and Indonesia on which there was reported to be strong feeling in India and concern lest Indian troops be used to suppress national movements in Asia [No. 148, see also Nos. 140 para. 6, and 145]. The Viceroy's representations on this score, while sympathetically received, failed to prevent the despatch of an additional Indian Division to Indonesia; and a further warning by him on 7 November of the serious repercussions likely to arise in India were Indian troops to be used to 'suppress Indonesian movement' [No. 198] drew from the Secretary of State on 11 November the reply [No. 206] that the Government's object throughout had been 'to avoid being involved in any hostilities with the Indonesians', but that withdrawal of Indian troops from Java would mean abandoning the Dutch which, apart from obligations to allies, might lead to 'serious loss of prestige in Malaya and Burma' and 'to similar troubles there'. In January 1946 the Viceroy extended his warnings to the use of Indian troops in Burma [Nos. 346 and 362], leading to the conclusion that 'His Majesty's Government should face the consequences of their present Indian policy and recognise that Indian troops will not in future be available for use without the consideration of Indian opinion' [No. 346]. The Secretary of State recognised the need to be prepared to face this situation [No. 379, para. 7].

Meanwhile the 'law and order' situation in India itself continued to engage attention. The Viceroy's memorandum of 6 November (see above, p. xiv) had prompted the Chiefs of Staff in London to telegraph on 16 November [No. 212] to the Commander-in-Chief for an appreciation of its military implications. In reply, General Auchinleck despatched an appreciation, dated 24 November [No. 256], in which he stated that it was reasonable to assume that 'widespread trouble either communal or anti-government or both is to

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be expected in the late Spring' and proceeded to review the appropriate measures for dealing with it [No. 256]. From 21 to 23 November there were serious riots in Calcutta [Nos. 246 and 326]. Reports from Provincial Governors referred to the generally unhappy effects of a deteriorating situation upon the Services [e.g. No. 255]—though one Governor noted on 11 December some slight improvement in morale 'since the gale of [Congress] abuse moderated' [No. 279]. In early December Gandhi had several meetings with R. G. Casey, the Governor of Bengal. At the first of them the Governor said that he did not understand 'the attitude of Nehru and other Congressmen' whose speeches 'seemed designed to promote racial hatred' and to create 'the worst possible atmosphere' for constitutional discussions. Gandhi replied that Congress was 'utterly distrustful' of British promises and he attributed the violence of Congress speeches to the failure of the Simla Conference [No. 259; see also Nos. 260, 264, 265, 266 and 272 for accounts of Casey's conversations on a variety of topics with Gandhi at this time]. On 10 December Gandhi also had a conversation with the Viceroy in the course of which he (Gandhi) agreed on the danger of violence and indicated that he was trying to reduce the temperature but that his attempts to reach agreement with Muslims had come up against British attempts to divide and rule [No. 280]. Early in the New Year, the R.I.N. mutiny at Bombay temporarily underlined the risks of disaffection in the Indian Armed Forces, though the comments of Viceroy and C.-in-C. were generally reassuring in this respect [Nos. 454, 455, 461, 462, 464 and 466].

Against this background the Viceroy and his advisers formulated two policy documents [Nos. 315 and 316] which the Viceroy sent to the Secretary of State on 27 December asking that early consideration should be given to them. The first contained the Viceroy's proposals for a positive 'programme for political action', prefaced by an 'appreciation of political situation' which, *inter alia*, underlined that the objective of Congress was 'to seize power for their organization . . . and to destroy British influence in India'; expressed the opinion that they [the Congress] would 'go to any lengths to achieve this if they feel strong enough; and will use violence if necessary'; while 'Pakistan will remain inflexibly the League policy, so long as Jinnah controls it'; and pressed for a definite programme of action in order to retain the initiative and preserve some measure of goodwill. The 'programme for political action' itself included the early formation of a new political central Executive, and the securing of its approval to the composition of a Preliminary Conference on the setting-up of a Constitution-Making Body and its agreement upon the Agenda for such a Conference [No. 315].

The Viceroy's second policy document was a 'Breakdown Plan' designed to meet the situation which would arise if 'as is quite likely, the Congress and the Muslim League are unable to come to any agreement on the Pakistan issue'. The Viceroy proposed that, if all persuasion failed, the Government should agree to

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concede self-determination 'in genuinely Muslim areas' while at the same time stating that 'there can be no question of compelling large non-Muslim populations to remain in Pakistan against their will'. The effect of the second, in the Viceroy's view, would be to leave only 'the husk' of Pakistan and thus its attractiveness 'to the Muslims would largely disappear'. In fact an essential part of the breakdown plan thus consisted in 'exposing the dangers and disadvantages of the Pakistan scheme'. It was thought that by so doing such an award might bring about 'agreement between Congress and the League' but equally recognised that the result might be serious communal conflict owing to the refusal of the Muslim League to accept it. The second, in the Viceroy's opinion, was a danger that had to be faced.

The Viceroy's breakdown plan was examined in the India Office [No. 318] attention being focused especially on the issue of whether or not the British Government ought, should deadlock arise, to be prepared, save in absolutely the last resort, to make itself responsible for a decision 'that there shall be Pakistan' and furthermore to define its area geographically. Reference was made to the India Office's own work on a breakdown plan. This it appears was to take the form of an 'interim' or 'provisional constitution' aimed at averting immediate violence by devising a transitional form of government which would reduce British powers of control to a minimum, and devolve the maximum measure of self-government to the Provinces. [See Nos. 318, 355 minute 4, 357 para. 5, and No. 541 for a draft of the constitution.] Thus in London a breakdown plan seemed rather to mean constitutional expedients that would prolong the time available for the main Indian parties to come to some agreement, while the Viceroy in his breakdown plan envisaged the bleaker possibility of a situation in which such expedients were for the time being exhausted and a British award regarding Pakistan held out the best, or only, chance of averting violence.

On 7 January 1946 the Secretary of State circulated the Viceroy's programme of action and breakdown plan to members of the India and Burma Committee, drawing their attention particularly to the Viceroy's view that in the event of another deadlock, the British Government must be ready to make its own award [No. 337]. On 10 January the Secretary of State circulated a commentary on the Viceroy's submission as a whole, dwelling especially upon the Viceroy's proposals for re-forming the Executive Council and the breakdown plan. In respect of the first, he questioned the wisdom both of proceeding with the formation of a new Executive before the outcome of the great majority of the Provincial Elections was known and of seeking to establish such a reconstituted Council before, rather than concurrently with (as the Committee had contemplated), the formation of a Constitution-Making Body; while in respect of the second he conceded that the Viceroy was justified 'in asking that we should have available a plan worked out in detail for a partition' but he was reluctant

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to contemplate the Viceroy being authorised to announce the intention to make an award of the kind contemplated without further consultation in the light of the circumstances that might prevail [No. 347]. In subsequent correspondence the Secretaty of State asked for the Viceroy's proposals for defining the genuinely Muslim areas in case 'we are compelled to give a decision on this' [Nos. 351 and 387], an enquiry to which the Viceroy replied on 7 February [No. 406; see also No. 428 for illustrative sketch maps]. But by this date, as will be seen, attention had been diverted from the Viceroy's programme of action and breakdown plan to a new method of pursuing negotiations upon which the Cabinet had decided.

At a Cabinet Meeting on 27 November 1945, the Foreign Secretary, Ernest Bevin, had remarked that, if the aim was to give India self-government within a measurable time, it was essential to give the Viceroy 'the help of new political advisers who could devote themselves wholly to the promotion of this policy...' [No. 244]. The next day, the India and Burma Committee [No. 247] discussed a suggestion made some time previously by Rajkumari Amrit Kaur to Sir Stafford Cripps and recommended by him to the Committee [No. 217], but on which the Viceroy had since commented unfavourably [No. 228], that Nehru and Jinnah should be invited to London as a means of resuming and improving personal contacts between them and Ministers and to facilitate a general exchange of views. Commenting on this proposal the Prime Minister stated that he thought very little would be gained by it, but that 'there might, however, be something to be said for a representative of His Majesty's Government going out to India and talking to the leaders on the spot'. On 3 December Sir S. Cripps forwarded to the Secretary of State for India a proposal advanced by Major Short that 'a "Kindergarten" of the type which went to South Africa under Lord Milner should be sent to India', remarking that the idea closely resembled the one put forward by the Foreign Secretary [Nos. 261 and 262]. Mr Horace Alexander also wrote to the Secretary of State supporting Major Short's proposal [No. 289]. On 19 December, at a meeting of the India and Burma Committee [No. 299], Sir S. Cripps, after remarking on the importance of the Government having clearly defined plans to meet the alternative contingencies which might arise after the elections, added that 'there was the further question whether it might not be desirable to send out a special Mission to India to conduct the difficult negotiations which would be necessary'. The idea was pursued in varying forms, the allusions (not remarkable for their historical exactitude) to Milner's kindergarten being supported on 9 January with the almost inevitable appeal to Durham and 'his Canadian miracle' achieved with a team of three [No. 349].

Meanwhile, the India and Burma Committee had still to consider the Viceroy's programme of action and breakdown plan and the Secretary of State's memorandum on them. This it did on 14 January [No. 355]. General

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agreement was expressed with the Secretary of State's criticisms of the Viceroy's proposals. 'Discussion then turned to the best method of pursuing the forthcoming negotiations with the political leaders', and the question was posed whether, in view of their 'immense importance', it would not be wise 'to send out a person or persons from this country to conduct them'. It was agreed that there would be 'considerable advantage in such a mission, but that, for a variety of reasons, it would be necessary for any emissaries sent out to be of Cabinet rank'. The Prime Minister was invited to lay before the Cabinet a proposal that a mission of three Cabinet Ministers should visit India in late March when the results of the principal provincial elections would be known. On 22 January [No. 372] the Cabinet duly approved this proposal. It also discussed the question whether the Viceroy should be associated with the Mission in the negotiations and, after some debate, agreed that he should. The Viceroy welcomed the proposal [No. 380] but warned that the delegation should come prepared for an extended stay. On 17 February, however, he sought, and later received, reassurance that it was not the intention that he should be treated as a 'lay figure' by the Mission [Nos. 439 and 451]. The Prime Minister had decided by 6 February [No. 402] on the personnel of the Mission—namely the Secretary of State for India, the President of the Board of Trade (Sir Stafford Cripps), and the First Lord of the Admiralty (Mr A. V. Alexander)—and the Cabinet's approval of these names was obtained on 11 February [No. 419].

The remainder of the volume includes rather bulky briefs prepared in the India Office by way of background information for the members of the Delegation, chief among them being papers on the *Viability of Pakistan* [No. 427], *Methods of Electing a Constitution-Making Body* [No. 438], *The Interim Executive Council* [No. 452], and *Policy for States* [No. 515]. These may be studied more closely by the reader of these documents than may have been practicable for members of the Cabinet Delegation, much of whose limited time and attention was perforce given to a general definition of aims.

The formulation of such aims was begun at a meeting at Chequers on 24 February at which, apart from India Office officials, the Prime Minister was present in addition to the three members of the Delegation. The discussion was directed towards the determination of appropriate arrangements for the Delegation's enquiries in India, consideration of the tactics the Delegation should adopt and, most particularly, the terms of the Directive which should guide them and the Viceroy in the course of their deliberations [No. 468]. A first draft of such a Directive was submitted by Sir Stafford Cripps and, as a result of discussion, a revised draft based on it was prepared [No. 468 Appendices 1 and 2].

The Secretary of State communicated the conclusions of the Chequers Conference on arrangements to the Viceroy on 27 February [No. 471] with separate

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telegrams of the same date [No. 472] giving the background to and the text of the revised Directive and inviting the Viceroy's comments thereon. The Secretary of State underlined that it was not proposed 'that Cabinet Delegation should come out with the purpose of initiating at once some positive proposal'. On the contrary in the opening phase of discussions with Indian leaders the object of the Delegation, which was to assist them to find a way to a solution, in itself precluded this. In consonance with it 'we should seek to ventilate alternative possibilities with them with a view to obtaining their reactions but should scrupulously refrain at that stage from showing any bias for or against Pakistan'. As the accompanying Directive indicated, the purpose was to secure agreement as to the method of arriving at a new constitutional structure and on arrangements for the Government of India during the transitional period but failing such agreement it would be the responsibility of the Delegation to gauge 'what kind of arrangement would have most prospect of being generally acquiesced in if enunciated by us'.

Such a procedure, the Secretary of State conceded, implied no prior conclusion on the principle of Pakistan such as the Viceroy had suggested in his breakdown plan [No. 316] and for a decision on which he had subsequently pressed [No. 423]. No doubt it was awareness of this that accounted for the terms of the Secretary of State's letter of 1 March [No. 484] further explaining why it was not felt possible to 'lay down any rigidly formulated plan' and wise 'to preserve a fairly open mind until we have had a full round of interviews'. On 3 March in three separate telegrams [Nos. 490, 491 and 492] the Viceroy commented on the arrangements contemplated for the Mission in India and on the text of the draft Directive, with the terms of which he was in substantial agreement though he suggested some amendments. The final version of the Directive [No. 507] was circulated to the Cabinet on 7 March and approved on 8 March [No. 509].

In commenting on the Directive the Viceroy continued to press for a 'provisional Cabinet decision' on the Pakistan issue and more particularly on 'whether, and if so how, Bengal and the Punjab should in the last resort be partitioned' [Nos. 490 and 512], but the Secretary of State would give no definite answer [Nos. 504 and 529]. On 11 March [No. 513] the Viceroy also asked to be allowed to inform Governors of his own plan for solution of the constitutional problem. In reply the Secretary of State diplomatically indicated that he was not able to accede to this request [Nos. 531 and 532].

On 18 March the Cabinet said farewell to their colleagues about to depart on their mission to India [No. 538].

One matter of curious interest, in the Gibbonian sense, may be noted, namely that on 30 January Pethick-Lawrence passed on to Attlee Lady Willingdon's idea that Mountbatten should be the next Viceroy of India [No. 391].

By far the greater part of the hitherto unpublished documents included in

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this volume, as in its predecessors, are drawn from the official archives of the India Office in the custody of the India Office Records, supplemented as seems necessary or desirable by material from the Wavell Papers.

The documents reproduced from the India Office Records are from the following series:

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L/P&J/8	Political Department Collections
L/P&J/10	Political Department Transfer of Power Papers
L/P&S/12	External Department Collections
L/P&S/13	Political 'Internal' Department Collections
L/S&G/7	Services and General Department Collections
L/WS/1	War Staff Files
R/3/1	Papers of the Office of the Private Secretary to the Viceroy

Every document in these series is referred to in the text by the appropriate series notation followed by the number assigned to the particular file, collection, or volume in which the document is filed or bound. Thus the notation L/P&J/8/600 refers to the six-hundredth file in the series called Political Department Collections. Each document in a file, collection, or volume is identified by a folio reference.

By courtesy of the Countess Wavell, C.I., Lady Pamela Humphrys, Lady Felicity Longmore and Lady Joan Robertson, the Historical Section of the India Office Records has been allowed to consult the relevant printed volumes of the Wavell Papers. Documents from these volumes, of which the India Office Records have otherwise no copy, have been included, their source being indicated in each instance in the heading. Furthermore, where a copy of a telegram can be found in both the Wavell Papers and the India Office Records, the two texts have been compared and any significant discrepancy between them has been annotated; but it is to be noted that in all such cases, for reasons of convenience, it is the copy in the India Office Records, whether it is the sender's or recipient's version, that has been reproduced.[1]

By courtesy of Sir Francis Mudie, K.C.S.I., K.C.I.E., the Historical Section was allowed to consult his private papers, which he had deposited in the India Office Library, and to reproduce material from them.

The Editors are indebted to the Clerk of the House of Lords Record Office for permission to consult Lord Sorensen's collection of photographs of the Parliamentary Delegation to India, now in his keeping.

[1] Cf. Volume I, p. ix, penultimate sentence.

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Some documents, not in any of these archives, have been obtained from elsewhere, notably the Cabinet Office.[2]

The most important categories of telegraphic communications between the Secretary of State and the Viceroy were classified in the following ways. One category of telegrams from the Viceroy to the Secretary of State carried the letter 'S', or 'S.C.' if the Viceroy was at Simla or in Camp, i.e. on tour. Another category consisted of 'U' telegrams, which were reserved for the most secret and personal matters, the letter 'U' indicating the nature of the telegram, irrespective of whether it did, or did not, carry a 'Secret' or 'Private' prefix. 'U' telegrams could be enciphered or deciphered only in the Private Offices of the Secretary of State or the Viceroy. Some 'S' or 'S.C.' telegrams were marked 'Superintendent Series' which indicated to Superintendents of Telegraph branches that especial care should be taken to safeguard their security. Certain changes in the channels of communication between the Viceroy and the Secretary of State, made at the beginning of Lord Wavell's Viceroyalty, may be studied in the Appendix to Volume IV.

It may also be helpful to mention that of the Papers and Minutes of the India and Burma Committee of the Cabinet those relating solely to Burma are excluded as treating of matters outside the scope of this Series.

In conclusion the Editors desire to acknowledge once again the friendly assistance and advice they have received from the officials at the India Office Library and Records, among whom they would like to mention the Director, Miss Joan C. Lancaster, F.S.A., F.R.Hist.S., and the Deputy Archivist, Mr Martin I. Moir; and from the Historical Adviser to the Secretary of State for Foreign and Commonwealth Affairs, Mr Rohan Butler, C.M.G.

N. MANSERGH
PENDEREL MOON

[2] A file (R/30/1/6) containing copies of these documents can be consulted in the India Office Records.

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Abbreviations

A.C.S.E.A.	Air Command South East Asia
A.D.C.	Aide-de-Camp
A.F.P.F.L.	Anti-Fascist People's Freedom League (Burma)
A.I.C.C.	All-India Congress Committee
A.I.(I)	Army Instruction(s) (India)
A.I.S.A.	All-India Spinners Association
A.M.	Air Ministry
A.O.C.-in-C	Air Officer Commanding-in-Chief
A.P.I.	Associated Press of India
A.R.P.	Air Raid Precautions
B.A.F.S.E.A.	British Air Force(s) South East Asia
B.B.C.	British Broadcasting Corporation
B.C.O.F.	British Commonwealth Occupation Force
B.E.M.	British Empire Medal
B.O.R.	British Other Ranks
C.F.B.	Combined Food Board
C.F.M.	Conference of Foreign Ministers
C.G.S.	Chief of the General Staff
C.I.	(Lady of the Imperial Order of the) Crown of India
C.-in-C.	Commander-in-Chief
C.I.D.	Criminal Investigation Department
C.I.G.S.	Chief of the Imperial General Staff
C.I.O.	Central Intelligence Officer
C.M.B.	Constitution-Making Body
C.P.	Central Provinces *or* Commissioner of Police
C.R.A's brigade.	Commander of Royal Artillery's brigade; a training brigade which stayed in India
C.S.	Chief Secretary
D.D.M.I.(S)	Deputy Director of Military Intelligence (Secret)
D.G.I.M.S.	Director General Indian Medical Service
D.I.B.	Director of the Intelligence Bureau
D.I.G.	Deputy Inspector General (of Police)
D.I.R.	Defence of India Rules
D.M.I.	Director of Military Intelligence
D.M.O.	Director of Military Operations
E.C.O.	Emergency Commissioned Officer

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E.I.R.	East India Railway
E.I. Station	East Indies Station
E.P.A.	Empire Parliamentary Association
E.P.T.	Excess Profits Tax
F.A.U.	Friends' Ambulance Unit
F.E.	Far East
F.I.C.	French Indo-China
G.G. in C.	Governor-General in Council
G.H.Q.	General Headquarters
G.M.T.	Greenwich Mean Time
G.O.C.-in-C.	General Officer Commanding-in-Chief
H.E.	His Excellency
H.E.H.	His Exalted Highness
H.H.	His Highness
H.I.F.	Hitler-inspired fifth columnist
H.M.G.	His Majesty's Government
H.M.I.S.	His Majesty's Indian Ship
H.Q.	Headquarters
I.A.	Indian Army
I.A.A.	Indian Army Act
I. & B.	Information & Broadcasting
I.C.O.	Indian Commissioned Officer
I.C.S.	Indian Civil Service
I.G.P.	Inspector General of Police
I.I.L.	Indian Independence League (at Singapore and Bangkok)
I.M.D.	Indian Medical Department
I.M.S.	Indian Medical Service
I.N.A.	Indian National Army
I.O.R.	Indian Other Ranks *or* India Office Records
I.P.	Indian Police
I.P.I.	Indian Political Intelligence
I.P.S.	Indian Political Service
I.S.T.	Indian Standard Time
J.I.F.	Japanese-inspired fifth columnist
K.C.I.O.	King's Commissioned Indian Officer

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L.C.T.	Tank Landing Craft
L.S.T.	Tank Landing Ship
M.B.E.	Member of the Order of the British Empire
M.C.	Military Cross
M.E.	Middle East
M.L.	Muslim League
M.L.A.	Member of the Legislative Assembly
M.P.	Member of Parliament
M.S.V.	Military Secretary to the Viceroy
N.C.O.	Non-commissioned Officer
N.E.I.	Netherlands East Indies
N.U.R.	National Union of Railwaymen
N.-W.F.P.	North-West Frontier Province
O.Cs	Officer(s) Commanding
P.A.	Political Adviser
P.M.	Prime Minister
P.O.L.	Petrol, Oil and Lubricants
P.O.W. *or* P.W.	Prisoner(s) of War
P.S.	Private Secretary
P.S.V.	Private Secretary to the Viceroy
P. & T.	Posts and Telegraphs
P.T.S.	Parachute Training School
P.W.D.	Public Works Department
R.A.	Royal Artillery
R.A.F.	Royal Air Force
R.A.P.W.I.	Organisation for Recovery of Allied Prisoners of War and Internees
R.E.	Royal Engineers
R.I.	Rigorous Imprisonment
R.I.A.F.	Royal Indian Air Force
R.I.N.	Royal Indian Navy
R.N.	Royal Navy
S.A.C.	Supreme Allied Commander
S.A.C.S.E.A.	Supreme Allied Commander South East Asia
S.E.A.C.	South-East Asia Command
S. of S.	Secretary of State

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T.E.	Twin Engined
T.S.C.U.	Transport Support Conversion Unit
U.K.	United Kingdom
U.N.O.	United Nations Organisation
U.N.R.R.A.	United Nations Relief and Rehabilitation Administration
U.P.	United Provinces
U.P.A.	United Press of America
U.P.I.	United Press of India
U.S.S.	Under-Secretary of State
U.S.S.R.	Union of Soviet Socialist Republics
V.C.	Victoria Cross
V.C.I.G.S.	Vice-Chief of the Imperial General Staff
V.C.O.	Viceroy's Commissioned Officer
W.S.I.	War Service Increment
W.V.S.	Women's Voluntary Service
Y.E.	Your Excellency

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Principal Holders of Office

UNITED KINGDOM

CABINET

Announced 28 July and 4 August 1945

(Members of the India and Burma Committee are italicised)

Prime Minister and First Lord of the Treasury, Minister of Defence	*Mr Clement Attlee*
Lord President of the Council and Leader of the House of Commons	Mr Herbert Morrison
Secretary of State for Foreign Affairs	Mr Ernest Bevin
Lord Privy Seal	Mr Arthur Greenwood
Chancellor of the Exchequer	Mr Hugh Dalton
President of the Board of Trade	*Sir Stafford Cripps*
Lord Chancellor	Lord Jowitt
First Lord of the Admiralty	Mr A. V. Alexander
Secretary of State for the Home Department	Mr James Chuter Ede
Secretary of State for Dominion Affairs	Viscount Addison
Secretary of State for India and for Burma	*Lord Pethick-Lawrence* (*cr.* Baron by Letters Patent dated 16 August 1945)
Secretary of State for the Colonies	Mr G. H. Hall
Secretary of State for War	Mr J. J. Lawson
Secretary of State for Air	*Viscount Stansgate*
Secretary of State for Scotland	Mr J. Westwood
Minister of Labour and National Service	Mr G. A. Isaacs
Minister of Fuel and Power	Mr E. Shinwell
Minister of Education	*Miss Ellen Wilkinson*
Minister of Health	Mr Aneurin Bevan
Minister of Agriculture and Fisheries	Mr T. Williams

OTHER MINISTERS MENTIONED IN THIS VOLUME

Minister of Food	Sir Ben Smith
Postmaster-General	*Earl of Listowel*

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INDIA OFFICE

Secretary of State	Lord Pethick-Lawrence (*cr.* Baron 16 August 1945)
Permanent Under-Secretary	Sir David Monteath
Parliamentary Under-Secretary	Mr Arthur Henderson
Deputy Under-Secretaries	Sir William Croft (from 2 January 1946 on his return from the Treasury)
	Sir Cecil Kisch (until 1 January 1946)
Assistant Under-Secretaries	Mr P. J. Patrick
	Mr G. H. Baxter
Private Secretary to Secretary of State	Mr F. F. Turnbull (until 13 February 1946 when appointed Secretary to the Cabinet Mission)
	Mr M. J. Clauson (from 14 February 1946)

INDIA

Viceroy, Governor-General and Crown Representative	Field Marshal Viscount Wavell (Sir John Colville acted from 25 August–15 September 1945 during Lord Wavell's absence in London)
Private Secretary to the Viceroy	Sir Evan Jenkins
	Mr G. E. B. Abell (from 16 November 1945)
Reforms Commissioner	Mr V. P. Menon

EXECUTIVE COUNCIL

Commander-in-Chief	General Sir Claude Auchinleck
Home	Sir Francis Mudie, I.C.S.
	Sir John Thorne, I.C.S. (from 15 October 1945)
Finance	Sir Archibald Rowlands
War Transport	Sir Edward Benthall (Sir Arthur Griffin acting 9 August–9 October 1945)
Posts and Air	Sir Mahomed Usman
Education, Health and Lands	Sir Jogendra Singh
Commerce, and Industries and Civil Supplies	Sir M. Azizul Haque
Food	Sir J. P. Srivastava

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Labour	Dr B. R. Ambedkar
Law	Sir Asoka Kumar Roy
Commonwealth Relations	Dr N. B. Khare
Information and Broadcasting	Sir Sultan Ahmed (until 31 October 1945)
	Sir Akbar Hydari, I.C.S. (acting from 31 October 1945)[1]
Supply	Sir Ramaswami Mudaliar (Mr A. A. Waugh, I.C.S. acting from 17 November 1945)
Defence	Sir Firoz Khan Noon (until 15 September 1945 after which portfolio was held in abeyance)
Planning and Development	Sir Ardeshir Dalal (until 28 January 1946; Sir Akbar Hydari acting thereafter)

GOVERNORS OF PROVINCES

Madras	Captain The Hon. Sir Arthur Hope (Sir Henry Knight, I.C.S. acting from 26 February 1946)
Bombay	Sir John Colville (Sir C. H. Bristow, I.C.S. acting 25 August–14 September 1945)
Bengal	Rt. Hon. R. G. Casey (Sir Henry Twynam, I.C.S. acting 13 September–11 October 1945)
	Sir Frederick Burrows (from 19 February 1946)
United Provinces	Sir Maurice Hallett, I.C.S.
	Sir Francis Wylie, I.C.S. (from 7 December 1945)
Punjab	Sir Bertrand Glancy, I.C.S.
Central Provinces and Berar	Sir Henry Twynam, I.C.S. (Mr F. C. Bourne, I.C.S. acting until 11 October 1945)
Assam	Sir Andrew Clow, I.C.S.
Bihar	Sir Thomas Rutherford, I.C.S.

[1] Lord Wavell wished to appoint Sir A. Hydari as substantive Member for Information and Broadcasting (see No. 146, para. 7). However, owing to a rule which debarred members of the I.C.S. reverting to a subordinate post after serving as substantive Members of the Executive Council, it was found necessary to make Sir A. Hydari's appointment an acting one. L/P&J/8/102.

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North-West Frontier Province	Sir George Cunningham, I.C.S.
	Sir Olaf Caroe, I.C.S. (from 3 March 1946)
Orissa	Sir Hawthorne Lewis
Sind	Sir Hugh Dow
	Sir Francis Mudie (from 15 January 1946)

PRIME MINISTERS OF PROVINCES

Punjab	Malik Khizar Hyat Khan Tiwana
Assam	Sir Muhammad Sa'adulla
	Mr Gopinath Bardoloi (from 11 February 1946)
North-West Frontier Province	Dr Khan Sahib
Sind	Sir Ghulam Hussain Hidayatullah

The remaining Provinces were administered by their Governors under Section 93 of the Government of India Act 1935

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Chronological Table of Principal Events

1945

August

1–2 Governors' Conference meets in New Delhi to consider political situation following breakdown of Simla Conference

4 Pethick-Lawrence's appointment as Secretary of State for India announced

6 First atomic bomb dropped on Hiroshima

14 Japan accepts Allied demand for unconditional surrender

18–19 All-India Hindu Mahasabha meets in New Delhi

21 Announcement in New Delhi that Central and Provincial elections are to be held the following winter

25 Wavell leaves for discussions with new Labour Government in London

September

19 In a broadcast on his return to India, Wavell announces H.M.G.'s intention after the elections

(1) to hold discussions as a preliminary step to convening a Constitution-Making Body

(2) to institute an Executive Council having the support of the main Indian parties

20 Jinnah says no constitutional solution will succeed except on the basis of Pakistan

21–23 All-India Congress Committee meets at Bombay and characterizes H.M.G's proposals as 'vague, inadequate and unsatisfactory'

29 First British troops belonging to the Allied Command arrive in Batavia for the purpose of rescuing Prisoners of War and disarming the Japanese

October

2–4 Final session of National Defence Council is held in New Delhi

16 Sir Reginald Dorman-Smith returns as Governor to Rangoon

November

1 Governor of Burma appoints an Executive Council of 9 Burmans without representation from Anti-Fascist People's Freedom League which had declined to accept office on basis offered

5 First I.N.A. trial begins in Red Fort, New Delhi

9 Attlee leaves for discussions in Washington and Ottawa on American financial aid to Britain and future use of atomic energy

13 Dr Sjahrir becomes Prime Minister with Dr Sukarno President of republican Government in Indonesia

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November

20 Trial of major German war criminals begins at Nuremberg
Attlee returns to London

21–23 Serious rioting takes place in Calcutta

December

1 Casey has first of a series of meetings with Gandhi
Government of India announce that in future only those members of the I.N.A. accused of murder or brutality will be brought to trial

4 H.M.G. announces its intention to send a Parliamentary Delegation to India and warns it will not permit a breakdown of law and order

6 Commons debate on Indian elections

7–11 Congress Working Committee meets in Calcutta

10 Wavell addresses Associated Chambers of Commerce, Calcutta

14 Bevin leaves for Moscow Conference of Foreign Ministers of Britain, Russia and U.S. (held from 16–26 December)

27 Sapru Conciliation Committee publishes its final Report

1946

January

1 French take over responsibility for law and order in South Indo-China. Withdrawal of British and Indian troops begins

3 Sentences passed on three Indian Army officers at close of first I.N.A. trial

5 Parliamentary Delegation arrives in India

10 1st U.N. General Assembly opens in London

17–18 Chamber of Princes meets in New Delhi and makes declaration of fundamental rights which will apply to all States' citizens

22 Cabinet agrees to send a mission of three Ministers of Cabinet rank to India about the middle of March

28 Jinnah says there is no reason to talk of an interim government of party leaders

February

11 Congress Ministry takes office in Assam

11–13 Further serious rioting in Calcutta

13 Members of Parliamentary Delegation give their views on Indian problem to Attlee and others on their return from India

18 Mutiny of R.I.N. ratings at Bombay begins and is accompanied by civil disturbances

23 R.I.N. mutineers surrender

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February

24 Muslim League wins 75 of the 175 seats in Punjab Legislative Assembly and becomes largest single party

28 Auchinleck announces that Indian troops will begin withdrawing from Indonesia the following day

March

5 In a speech at Fulton, Missouri, Churchill says that an 'iron curtain' has descended across Europe

8 Cabinet approves directive to Cabinet Delegation

12–15 Congress Working Committee meeting at Bombay decides not to participate in proposed Advisory Food Committee

15 Commons debate on Cabinet Mission

19 Cabinet Mission leaves for India

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Summary of Documents

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CHAPTER I

First formulation of Labour Government policies and Viceroy's visit to London: 1 August to 19 September 1945

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		1945 August		
1	Govt. of India, Information and Broadcasting Dept. to S. of S. Tel. 6727	1	Indian reactions to outcome of U.K. election	1
2	Agenda, Memoranda and Minutes of Governors' Conference	1–2	Consideration of political situation and future of National Defence Council	2
3	Wavell to Pethick-Lawrence Tel. 1253-S	5	Looks forward to their association and hopes Pethick-Lawrence may visit India	27
4	Wavell to Pethick-Lawrence Letter 29	5	Value of Pethick-Lawrence visiting India and of exchanges between officials; proceedings of, and reflections on, Governors' Conference; value of treating India more as a Dominion; activities of Congress and Muslim League; Assam and Sind politics; extension of Section 93 in Bengal; return of Indian delegation from San Francisco Conference; Indian interests in Far East; future of Gurkha units of Indian Army	27
5	Wavell to Pethick-Lawrence Tel. 1254-S	6	Summarises conclusions of Governors' Conference	34
6	Wavell to Pethick-Lawrence Tel. 1255-S	6	Comments on conclusions of Governors' Conference	37
7	Summary of Statement by Rajagopalachariar	6	Views on interim government and permanent solution	39
8	Pethick-Lawrence to Wavell Tel. 17436	7	Asks to be consulted before executions are carried out in Chimur and Ashti cases, and to be informed if sentences are commuted	40
9	Pethick-Lawrence to Wavell Tel. 17563	8	Refers to No. 8 and asks him to act similarly regarding pending Madras cases	41
10	Statement by Pethick-Lawrence	8	Spirit in which he approaches his task as S. of S.	41
11	Cunningham to Wavell Report 11, para. 2.	9	Pakistan question	42
12	Pethick-Lawrence to Wavell Tel. 17694	10	Refers to Nos. 8 and 9; recognises arguments for allowing law to take its course; but explains force of considerations for commuting sentences	43
13	Wavell to Pethick-Lawrence Tel. 1279-S	11	Refers to Nos. 8 and 9; outlines background to Chimur, Ashti, Fatwa and Kulasekharapatnam cases; reluctantly recommends that death sentences be commuted now on humanitarian grounds	44

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14	Wavell to Pethick-Lawrence Tel. 1280–S	11	Refers to No. 13 and explains likely consequences of commutation of sentences	46
15	Jenkins to Mudie Letter 1157	11	Informs him of action being taken to represent Indian interests regarding surrender terms imposed on Japan; asks him for his views on whether Bose and his associates should be tried in India	47
16	Wavell to Pethick-Lawrence Tel. 1288–S	11	Sends details of numbers of detenus remaining in custody; asks for immediate instructions on holding of elections	48
17	G.-G. (War Dept.) to S. of S. Tel. 10234	11	Policy towards captured members of I.N.A.; sends text of proposed Press communiqué	49
18	Cabinet India and Burma Committee Paper I.B. (45) 3	11	Memorandum by Pethick-Lawrence commenting on Nos. 5 and 6 and annexing draft tel. replying to No. 6 which (1) agrees that no move is possible by H.M.G. at the moment; (2) agrees to the holding of elections in Provinces (and at centre if Wavell considers this essential); (3) welcomes liberalising steps and enquires about further proposals on release of detenus	53
19	Pethick-Lawrence to Wavell Letter	11	Nature of private correspondence between S. of S. and Viceroy; reconstitution of Executive Council; S. of S.'s concern over detenus	57
20	Wavell to Pethick-Lawrence Letter 30	12	Effects of early ending of Japanese war; Muslim League's election prospects; Congress attitudes; decision to commute sentences in Chimur, Ashti and other cases; Choudhury case; situation in Bengal, N.-W.F.P. and Punjab; monsoon fears; Council discussion on industrialisation of Nepal	58
21	Jenkins to Turnbull Letter 423 (15)	13	Gandhi's statement on Choudhury's execution	63
22	Cabinet India and Burma Committee Paper I.B. (45) 1	13	Note by Bridges on Membership and Terms of Reference of India and Burma Committee	65
23	Pethick-Lawrence to Attlee Minute 2/45	13	Seeks his authority (1) to proceed with legislation to prevent Indian electors losing the vote through war service; (2) to instruct Wavell to arrange for holding of at least Provincial elections	66
24	Attlee to Pethick-Lawrence Minute	13	Refers to No. 23; agrees that preliminary work on elections can go ahead pending final decision	67
25	Hallett to Wavell Letter U.P. 262, para. 2	14	Congress activities; convinced election a desirable first step	67

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26	Pethick-Lawrence to Wavell Tel. 18107	15	Refers to Nos. 13 and 14; agrees to commutation of death sentences; assures him he is entirely opposed to setting the men at liberty	68
27	Pethick-Lawrence to Attlee Minute 3/45	15	Asks that Henderson be invited to be present at India Committee meetings	69
28	Cabinet India and Burma Committee Paper I.B. (45) 4	15	Memorandum by Pethick-Lawrence circulating No. 16 and explaining some terms used therein; annexes revised draft of para. 6 of Appendix III to No. 18	70
29	Glancy to Wavell Letter 561 (extract)	16	Muslim League electioneering; fears of bloodshed on wide scale should Pakistan become imminent reality; need to deflate concept of 'crude Pakistan'	71
30	Wavell to Pethick-Lawrence Tel. 1324-S	16	Refers to No. 16, para. 6 and explains why he urgently needs his views on elections	73
31	Minutes by Curson, Monteath, Henderson and Pethick-Lawrence	16–17	Advice on answer to be given by Attlee to P.Q. asking when India Office is to be closed down	74
32	S. of S. to G.-G. (War Dept.) Tel. 18179	17	Refers to No. 17; explains his anxieties on proposal to detain some categories of captives without trial; in light of Japanese surrender suggests he sends revised proposals	75
33	Cabinet India and Burma Committee I.B. (45) first meeting	17	General discussion on Nos. 18 and 28; nature of interim reply to Nos. 5, 6 and 16; procedure for considering long-term solution of Indian problem	76
34	Pethick-Lawrence to Wavell Tel. 450	17	Refers to No. 35; explains procedure Cabinet are adopting to consider question and that they are disposed to Viceroy's coming home at early date	82
35	Pethick-Lawrence to Wavell Tel. 18211	17	Refers to Nos. 5, 6 and 30; informs him H.M.G. is urgently and comprehensively considering Indian problem; asks him to prepare for Provincial elections in coming cold weather; informs him of attitude to remaining detenus	83
36	Wavell to Pethick-Lawrence Tel. 1333-S	18	Refers to No. 35; explains he does not now favour reconstructing Council on efficiency basis; considers nothing more can be done on elections until public announcement is made; explains Punjab position	84
37	Cabinet Paper C.P. (45) 121	18	Memorandum by Pethick-Lawrence on long-term solution of the Indian problem	85
38	Pethick-Lawrence to Wavell Letter	18	Refers to No. 4; Labour Party's attitude to Indian question; idea Pethick-Lawrence should visit India and of exchanges	91

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38	(*cont.*)		between officials; concern on effects of inflation and deflation; policy towards Hifs and Jifs; filling Governorships	
39	Wavell to Pethick-Lawrence Tel. 1337-S	19	Refers to Nos. 35 and 36; explains why he feels it most unwise for H.M.G. to announce its long-term intentions until it has formed definite conclusions on Pakistan issue; summarises Glancy's views on effect of Pakistan on Punjab	93
40	Colville to Wavell Report 48, para. 4	20	Patel's speeches; need to define Pakistan; Congress's attitude to elections	94
41	Wavell to Pethick-Lawrence Tel. 1342-S	20	Refers to No. 36, para. 2; Glancy and Khizar agree that Punjab elections should be held at same time as those in other Provinces	95
42	Cabinet C.M. (45) 24th Conclusions Minute 1	20	Decision to authorise announcements (1) on holding of Provincial and Central elections (without reference to any constitutional implications); (2) that Viceroy was returning for discussions with H.M.G.	95
43	Pethick-Lawrence to Wavell Tel. 455	20	Invites him home for discussions with H.M.G.; enquiries about appointment of acting Viceroy	98
44	Pethick-Lawrence to Wavell Tel. 18412	20	Refers to Nos. 36 and 39; authorises him to make announcement on holding of elections	99
45	Monteath to Abell Letter (extract)	20	Labour government's attitude to Indian question	99
46	Shiva Rao to Pethick-Lawrence Letter	20	Encloses Note on India	100
47	Wavell to Pethick-Lawrence Letter 31	20	Refers to Nos. 4 and 19; nature of private correspondence between S. of S. and Viceroy; important H.M.G. has clear policy on Pakistan; Glancy's views on the effect of Pakistan on Punjab; policy towards detenus and Hifs and Jifs; reactions to commutation of Chimur, Ashti and other death sentences; Dalal's visits to U.S. and U.K.; Dalal's views on industrialisation and commercial discrimination; appointment of President of Nizam's Council; food situation	105
48	G.-G. (War Dept.) to S. of S. Tel. 10494	21	Refers to No. 32; further explains reasons for policy recommended in No. 17; presses to be allowed to issue communiqué as early as possible in order to forestall criticism	109
49	Wavell to Pethick-Lawrence Tel. 1361-S	21	Informs him Noon has asked to resign from Council to take part in elections	112

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51	Wavell to Pethick-Lawrence Letter 592/14	21	Feels some enquiry into possibilities of Pakistan is necessary preliminary to further constitutional discussion; encloses Memorandum on Pakistan and the Punjab	113
52	Azad to Wavell Letter	22	In light of announcement on holding of elections, protests at restrictions still placed on Congress	119
53	Memorandum by Jenkins and Minutes by Jenkins and Wavell	22–3	Consideration of No. 50; suggests answer to be given to H.M.G.	120
54	Patrick to Monteath Minute	22	Submits his note on the next move in India: Alternative to Pakistan	127
55	Jinnah to Wavell Tel. (unnumbered)	22	Appeals to him to intervene in Kashmir situation	132
56	Minuting and Noting by India Office	22–7	Consideration of Shiva Rao's Note (Enclosure to No. 46)	132
57	Mudie to Jenkins Letter	23	Refers to No. 15; treatment of Bose	137
58	Rajagopalachari to Jenkins Letter	23	Asks for enclosed note giving his constitutional suggestions to be shown to Wavell	140
59	Wavell to Pethick-Lawrence Tel. 1378-S	23	Sends Mudie's, Corfield's, Menon's and Jenkins' comments on No. 50	142
60	S. of S. to G. of I., War Dept. Tel. 18605	23	Refers to No. 48; is unable to agree to indefinite detention of any I.N.A. men without prospect of trial; but agrees to issue of communiqué subject to amendment to cover this point	142
61	Pethick-Lawrence to Wavell Tel. 18733	23	Refers to No. 5, para. 6; asks for further information on Forward Bloc relevant to recommendation that restrictions placed on it should not be lifted	143
62	Pethick-Lawrence to Attlee Minute 6/45	23	Arrangements for discussions with Wavell	144
63	Turnbull to Pethick-Lawrence Minute	23	Submits draft memorandum which outlines certain difficulties in proceeding with long-term proposals of Draft Declaration and suggests a variant to them	144
64	Clow to Colville Letter	23	Encloses memorandum on Pakistan	148
65	Wavell to Azad Letter	24	Answers Vol. V, No. 614 and No. 52 in this vol.; explains that bans on orthodox Congress organisations are being removed and that cases of detenus are being reviewed	151
66	Pethick-Lawrence to Colville Letter	24	Future of backward tribes	153

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67	Jenkins to Monteath Tel. 1392-S	25	Refers to No. 61; ban on Forward Bloc is being reconsidered but Home Department advise against hurried decision	154
68	Jenkins to Abell Tel. 1394-S	25	Sends details of Azad's scheme for Hindu-Muslim compromise and comments on it	155
69	Monteath to Pethick-Lawrence Minute	25	Refers to No. 54; suggests a modification of Krishnamachari's plan which would make it of use as an interim measure	157
70	Turnbull to Pethick-Lawrence Minute	25	Discusses idea that a representative party of Indian leaders might be invited to London for discussions	159
71	Mookerjee to Wavell Letter	25	Views of Mahasabha on present constitution, Simla proposals and Pakistan	161
72	Hailey to Monteath Letter	27	Sends him letter from Mudie dated 4 Aug. on crucial question of how to remove Muslim fear of Hindu domination at Centre	165
73	Pethick-Lawrence to Wavell Letter	27	Refers to No. 4, para. 7; Attlee's answer to P.Q. asking when India Office was to be abolished; official consideration of proposal to appoint U.K. High Commissioner; feeling that High Commissioner should be placed under India Office	166
74	Attlee to Pethick-Lawrence Letter	28	Suggests names for Bengal and Madras Governorships	170
75	Pethick-Lawrence to Colville Letter	28	Forthcoming discussions with Wavell; rice situation	170
76	Jenkins to Abell Tel. 1420-S	28	Refers to No. 68; sends text of letter from Gandhi to Azad in which Azad is advised not to publish his scheme	172
77	Monteath to Hailey Letter	29	Thanks for Enclosure to No. 72; comments on its penultimate para.	173
78	Cabinet India and Burma Committee I.B. (45) second meeting	29	First meeting with Wavell; includes discussion on merits of proposed draft statement to be made by Viceroy on his return	173
79	Wavell to Colville Tel. 468	29	Asks him to consult Hallett, Glancy, Casey, Hope and Corfield on proposal to issue restatement of Cripps Offer and say that it is now to be implemented	180
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81	Cabinet India and Burma Committee Paper I.B. (45) 5	30	Memorandum by Pethick-Lawrence circulating India Office Note on All-India Forward Bloc	183
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84	Entry in Casey's Diary (extract)	1	Conversation with Nazimuddin on Pakistan	194
85	Colville to Pethick-Lawrence Letter 32	2	Council discussion on treatment of I.N.A., use of Indian troops on occupational duties, and demobilisation; Ambedkar's 'Labour Charter'; Noon's wish to hold personal Press conference while still in office; state of Provincial electoral rolls; session of All-India Committee of Hindu Mahasabha; Gandhi's threatened fast; Liaqat's statement on Desai proposals; Nehru's speeches; Bose's death and treatment of his followers; proposed winding up of National Defence Council; food situation	195
86	Colville to Wavell Tel. 1468–S	2	Refers to No. 79 and summarises reactions of Hallett, Hope, Glancy and Corfield to proposed restatement of Cripps offer	198
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88	Cabinet India and Burma Committee Paper I.B. (45) 7	3	Memorandum by Listowel on the long-term constitutional issue and further interim measures	202
89	Cabinet India and Burma Committee Paper I.B. (45) 8	3	Memorandum by Cripps on proposals for dealing with immediate Indian situation	203
90	Cabinet India and Burma Committee Paper I.B. (45) 9	3	Memorandum by Pethick-Lawrence explaining differences between Wavell and Committee and appending draft statement prepared by Pethick-Lawrence	204
91	Cabinet India and Burma Committee Paper I.B. (45) 10	3	Memorandum by Pethick-Lawrence circulating Note by Wavell on his attitude to proposed restatement of Cripps Offer and annexing draft statement prepared by Viceroy	207
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93	Cabinet Paper C.P. (45) 147	4	Memorandum by Pethick-Lawrence on Indian diplomatic representation at Washington	215
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99	Cabinet India and Burma Committee I.B. (45) fourth meeting Minutes 1–3	6	Amendments to draft announcement and questions connected with its issue; general political position; disqualification of candidates and electors at Indian elections by reason of imprisonment	225
100	Cabinet Paper C.P. (45) 155	9	Report by Attlee on India Committee's discussions with Wavell	230
101	Cabinet India and Burma Committee Paper I.B. (45) 13	9	Memorandum by Pethick-Lawrence on points emerging from Cripps scheme which require further investigation	232
102	Colville to Pethick-Lawrence Letter 33	9	Refers to No. 75; state of electoral rolls; Congress attitude to elections; Council discusses Indian immigration into Burma; reconsideration of cases of some remaining detenus; possibility of Azizul Haque and Srivastava resigning from Council; food situation; Italian Peace Treaty; Casey's leave	242
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106	Minutes by Gibson and Patrick	11	Comments on No. 71	260
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108	Pethick-Lawrence to Colville Tel. 20364	14	Approves, in principle, proposals for future officering of Indian armed forces in Vol. V, No. 297	262
109	Note by Military Intelligence (Extract) No. 10005/3/GSI (b)	14	Reactions to Bose's death and views on treatment of I.N.A. captives	262

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115	Wavell to Pethick-Lawrence Letter 34	18	Comments on Congress Working Committee resolutions; Council's reception of H.M.G.'s statement; Madras and Bengal Governorships; Enclosures 1-6: cuttings from *Statesman* giving texts of resolutions adopted by Congress Working Committee at its meeting at Poona 14-15 September	273
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CHAPTER 2

Law and order situation; reactions in India and London; I.N.A. trials: 19 September to 30 November 1945

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118	Pethick-Lawrence to Wavell Letter	20	Asks him to discuss informally with Dalal and others allegations that G. of I. were discriminating against U.K. business interests in matter of imports control and to try to make arrangements to end practice	284
119	Wavell to all Provincial Governors Letter	21	Sends account of his discussions in London	286
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121	Wavell to Pethick-Lawrence Letter 35	23	Congress's and Muslim League's reactions to H.M.G.'s statement; criticism of resolutions of All-India Congress Committee; views on reasons for resolutions; Council discussions on (1) treatment of foreigners detained or restricted in India; (2) use of Ordinance III of 1944; (3) war-reserved vacancies in I.C.S. and I.P.; (4) Italian Peace Treaty; likelihood of Azizul Haque, Srivastava and Sultan Ahmed resigning from Council; Wavell's discussion with Bhopal; Bengal rice shortage; Bajpai's status; Viceroy's speech to Associated Chambers of Commerce, Calcutta; Wavell and Auchinleck receive U.S. Legion of Merit; Wavell's talk with D'Argenlieu; Enclosure: extract from cutting from *Dawn* of 21 Sept. 1945 giving Jinnah's reactions to Attlee's and Wavell's broadcasts	291
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124	Turnbull to Pethick-Lawrence Minute	28	Suggests sending a small party of M.P.s to India in Nov. or Dec.	300
125	Monteath to Heads of India Office Depts. Minute	28	Asks for their interim views on the general nature of provisions which should be incorporated in treaty between U.K. and India	300
126	Pethick-Lawrence to Wavell Letter	28	Bengal and Madras Governorships; Congress's reactions to H.M.G.'s Statement ; preparing a draft Treaty between U.K. and independent India; likely demand for Indian War Member; position of British forces in an independent India	302
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128	Wavell to Provincial Governors Letter 676/24/G	3	Seeks views on Home Member's scheme for recruitment to I.C.S. and I.P. and on the possibility of a system of secondment	309
129	Pethick-Lawrence to Attlee Minute 15/45	4	Suggests all party delegation of M.P.s should visit India at end of year.	312
130	Cabinet C.M. (45) 38th Conclusions Minute 3	4	Approval of proposal in No. 93	313
131	Pethick-Lawrence to Wavell Letter	5	Refers to No. 121; conversation with Swayne on (1) use of Indian and British troops in Indo-China; (2) unrest among African troops in India; (3) treatment of Jifs and I.N.A.; allegations that very long sentences of imprisonment had been passed on some Indian juveniles; Madras Governorship; proposal to make Auchinleck a Field Marshal; conversation with Casey; sees no reason for not making Hydari a temporary Member of Council; Cabinet's decision to raise status of Indian Agents in Washington and Chungking (No. 130); Wavell's forthcoming address to Indian Chambers of Commerce; Jinnah's tel. on Kashmir (No. 55)	314
132	G.-G. (War Dept.) to S. of S. Tel. 12078	6	Sends text of communiqué on future officering of Indian Armed Forces approved by Council	317
133	Hope to Wavell Report 8/1945	6/10	Apprehensions amongst Police if Congress Ministry returns	318
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247	Cabinet India and Burma Committee I (45) eighth meeting Minutes 1–2, 4	28	Indian Political Situation—Statement of Policy; Treatment of Members of the I.N.A.; Proposals that Viceroy should see Gandhi and that Nehru and Jinnah should be invited to London; Annexure I: Full text of Parliamentary Statement approved by India Committee and subsequently made by Pethick-Lawrence on 4 Dec.; Annexure II: Note on Publicity in India on India's War Effort and Plans for Economic and Social Reform	558
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CHAPTER 3

Viceroy's programme for political action; decision to send a Cabinet Mission: 1 December 1945 to 22 January 1946

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257	Wavell to Pethick-Lawrence Letter 681/2	1	Refers to No. 197; feels proposed informal conversations would be most unsettling; commends idea of referring to relationship of States to Crown and position of small States in his speech to Chamber of Princes; encloses draft paras.	584
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262	Cripps to Pethick-Lawrence Letter	undated	Asks him to meet persons concerned with 'Kindergarten' idea	593
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264	Casey to Wavell Tel. 426	4	Refers to No. 260 and reports subjects of discussion with Gandhi on 3 Dec.	596
265	Casey to Wavell Tel. 427	4	Reports interviews with Sudhir Ghosh on Congress's and Gandhi's attitudes to politico-constitutional situation	597
266	Casey to Wavell Tel. 429	5	Reports general discussion with Gandhi on 4 Dec.	599

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267	G. of I., Home Dept. to Provincial Chief Secretaries and Chief Commissioners Letter 1/4/45-M.S.	5	Outlines policy which should be adopted to prepare for outbreaks of disorder	600
268	Wavell to Pethick-Lawrence Letter 45	5	Refers to No. 231; need for a 'breakdown' plan in event of political parties failing to agree; indications that Congress wishes to reduce political tension; need to prepare for violence after elections; his view of Parliamentary Statement; action against politicians making violent election speeches; Calcutta European Association's concern over law and order situation; shortage of European administrators in C.P.; Casey's talks with Gandhi; Gandhi's further allegations of ill-treatment of political prisoners; date of arrival of Parliamentary Delegation; question whether N. M. Joshi should be nominated as a non-official to new Legislative Assembly; Council considers proposed labour legislation; working of Capital Goods Import Registration Scheme; Bajpai's status	602
269	Menon to Abell Letter	6	Encloses note on (1) Preliminary Conference of Provincial and State representatives and its Agenda; (2) Breakdown Solution	607
270	Birla to Henderson Letter	6	Comments on current political situation; outlines his proposals for a constitutional settlement	612
271	Attlee to Pethick-Lawrence Minute M. 180/45	6	Refers to No. 256; suggests measures to foster loyalty of Indian forces; and asks for full report	616
272	Entry in Casey's Diary (extract)	6	Some impressions of Gandhi	616
273	Pethick-Lawrence to Wavell Letter	7	Refers to No. 246; idea of S. of S. sending seasonal personal message to India; revised policy towards I.N.A.; Java situation; programme for future constitutional negotiations; policy towards both convicted and unconvicted persons in detention; reactions to announcement of Parliamentary Delegation; Calcutta riots and possible benefits of using tear gas in disturbances; Jenkins' talks with Attlee and Bevin; election nomination procedure in Punjab; action on Bengal Administration Enquiry Committee Report; G. of I.'s controls over industrial development	617

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273	(*cont.*)		in States and Provinces; implications from constitutional point of view of continuing the G. of I.'s war-time powers in the Provincial field; Enclosure: text of tels. exchanged with Govt. of Punjab on electoral nomination position	
274	Casey to Wavell Tel. 435	8	Refers to No. 266; reports conversation on 5 Dec. with Azad, Patel and Nehru on law and order, constitution-making body and release of political prisoners	623
275	Casey to Pethick-Lawrence Letter	9	Refers to No. 193; reports subordinate Police Officers have occasionally ill-treated suspects; explains procedure for dealing with complaints; believes position is not at all bad	624
276	Wavell to Pethick-Lawrence Letter 46	9	Viceroy's forthcoming meeting with Gandhi; Press reactions to Parliamentary statement; immoderation of some newspapers; Home Dept.'s circular letter on law and order (No. 267); Parliamentary Delegation; cases of certain prisoners in Bengal; Dalal's resignation as Planning and Development Member; meeting with McLaren; Viceroy's visit to Bahawalpur; first meeting of Co-ordination Committee of Council; Viceroy's Calcutta Speech	626
	Annex to No. 276		Cutting from *National Herald* of 4 Dec. 1945 headed 'Hallett's Sermon'	628
277	Hope to Wavell Letter 10/1945, para. 2	10	Comments on effects of G. of I.'s policy towards I.N.A.	631
278	Pethick-Lawrence to Attlee Minute 18/45	10	Seeks his approval on choosing and sponsorship of Parliamentary Delegation	632
279	Twynam to Wavell Letter R-62-G.C.P., para. 3	11	Morale and safeguarding of services; recommends announcement of compensation terms for British element in I.C.S. and I.P.	632
280	Wavell to Pethick-Lawrence Tel. (unnumbered)	11	Reports Viceroy's interview with Gandhi on 10 December	633
281	Pethick-Lawrence to Wavell Tel. 27364	11	Informs him of suggestions in No. 271 and asks for information on steps already being taken	634
282	Pethick-Lawrence to Attlee Minute 29/45	11	Sends him note by Mayne on points raised in No. 271	634
283	Chiefs of Staff to Auchinleck Tel. (unnumbered) via Cabinet Offices and special channels	11	Asks for further information on points in No. 256	638
284	Minute by Attlee	12	Refers to No. 282 and feels it 'extra-ordinary how little interest the India Office seem to take in these matters'	639

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285	Pethick-Lawrence to Cripps Letter	12	Comments on ideas in Enclosures sent with Nos. 261 and 262; asks for meeting with him	640
286	Pethick-Lawrence to Attlee Letter	13	Argues in favour of Sorensen being included in Parliamentary Delegation	641
287	Attlee to Pethick-Lawrence Minute M. 191/45	13	With reference to No. 286 states inclusion of Sorensen must depend on numbers going	642
288	Colville to Wavell Report 54, para. 3	14	Local disturbances in sympathy with Calcutta riots; lowering of violent tone of Congress leaders' speeches; effects of Viceroy's Calcutta Speech	642
289	Horace Alexander to Pethick-Lawrence Letter	14	Suggests he sees Short in connection with 'Kindergarten' idea	643
290	Pethick-Lawrence to Wavell Letter	14	Informs him of U.S. request that Britain should keep herself, or get under her control, two existing bases in India and reports H.M.G.'s attitude	644
291	Pethick-Lawrence to Wavell Letter	14	Idea that Monteath might visit India to discuss 'breakdown' plan	645
292	Pethick-Lawrence to Wavell Letter	14	Refers to Nos. 190 and 268; Viceroy's Calcutta Speech; impression Congress may be moderating I.N.A. campaign; preparing for possible violence after elections; Pethick-Lawrence's latest Lords Statement on Parliamentary Delegation; Casey's and Viceroy's interviews with Gandhi; N. M. Joshi; urges increasing representation for labour among non-officials nominated to Legislative Assembly; Ambedkar's proposals for Labour legislation and social security; passage to India for Wauchope; treatment of Grand Mufti	646
293	Cripps to Henderson Letter	16	Understands the difficulty concerning Punjab electoral nominations but feels it is because of unwillingness that it is not overcome	649
294	Abell to Wavell Minute	17	Suggests form a 'breakdown' award might take	649
295	Cabinet India and Burma Committee Paper I.B. (45) 24	17	Memorandum by Pethick-Lawrence on Proposed Redefinition of H.M.G.'s Obligations to the Indian Princes	651
296	Wavell to Pethick-Lawrence Letter 47	18	Refers to Nos. 231, 254 and 273; Pethick-Lawrence's seasonal broadcast; Viceroy's breakdown plan; Jinnah's latest statement on Pakistan; Viceroy's Calcutta speech; Gandhi's interview with General Smith; modification of Congress policy; Congress manifesto;	655

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296	(*cont.*)		Viceroy's visits to Assam and Bihar; food situation; general attitude of Nizam; use of Indian troops in Java; cartoon in *Hindustan Times*	
	Annex to No. 296		Extract from *Statesman* of 12 Dec. 1945 headed: 'Indian Problem could be solved in ten minutes—Mr Jinnah'	658
297	Pethick-Lawrence to Wavell Tel. 27925	18	Sends text of his proposed New Year broadcast	659
298	Wavell to Pethick-Lawrence Tel. 2218-S	19	Thinks text of broadcast is excellent but suggests he considers adding statement of Viceroy's future political programme	660
299	Cabinet India and Burma Committee I.B. (45) ninth meeting Minutes 1–3	19	Proposed redefinition of H.M.G.'s Obligations to the Indian Princes; Contacts with Indian Leaders; Parliamentary Delegation to India	661
300	Wavell to Pethick-Lawrence Tel. 2233-S	20	In answer to No. 281, sends details of action taken on points raised in Attlee's minute (No. 271)	664
301	Pethick-Lawrence to Wavell Tel. 28106	20	Refers to No. 298; as he feels it best to keep text free from any new political pronouncement is adhering to version in No. 297 except for a minor amendment	666
302	Pethick-Lawrence to Wavell Letter	20	Refers to No. 276; his talk with Labour Party Parliamentary sub-Committee; feeling that some licence should be allowed in election speeches; Dalal's resignation; Hallett's suggestions for countering I.N.A. propaganda; Indian immigration into Burma; Lords debate on Anglo-American Financial Arrangements	666
303	Wavell to Pethick-Lawrence Letter 529/42	20	Agrees with H.M.G.'s line reported in No. 290	669
304	Wavell to Pethick-Lawrence Letter 676/15/G	20	Refers to No. 291; is sorry Monteath cannot tour India; feels any discussions on 'breakdown' plan are best in London	669
305	Pethick-Lawrence to Wavell Tel. 28265	21	Refers to Nos. 298 and 301; asks him to amplify his proposals on timetable for re-forming Executive and setting up Constitution-Making Body	670
306	Pethick-Lawrence to Wavell Letter	21	Refers to No. 257; informs him India Committee approves his idea of referring to relations with States in speech to Chamber of Princes; suggests modifications to draft paras; informs him of other request of Committee	670
307	Pethick-Lawrence to Wavell Letter	21	Asks him to send on letter to Azad (No. 308) and similar letter to Jinnah	672

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308	Pethick-Lawrence to Azad Letter	21	Hopes he will be able to meet Members of Parliamentary Delegation	672
309	Auchinleck to Chiefs of Staff Tel. GRO 0347 via Director of Intelligence India and Cabinet Offices	22	Refers to No. 283; considers it impossible to plan for an intermediate stage between Indian troops remaining loyal and widespread disaffection; notes improvement in Congress attitude	673
310	Auchinleck to Chiefs of Staff Tel. GRO 0348 via Director of Intelligence India and Cabinet Offices	22	Answers questions in No. 283 on use of additional British forces in connection with possible disturbances and on other matters	675
311	Entry in Casey's Diary (extract)	22	Discussion with Gandhi on Indian politics	678
312	Wavell to Pethick-Lawrence Tel. 2281-S	23	Refers to No. 305; feels new Executive Council should be set up at earliest possible moment and that political initiative should not pass to Provinces	680
313	Casey to Wavell Tel. 452	23	Reports subjects discussed with Gandhi on 22 Dec. and Gandhi's future plans	681
314	Wavell to Pethick-Lawrence Letter 48	25	Refers to Nos. 273 and 292; Viceroy's forthcoming visit to the Andamans; additional nominated seat in Legislative Assembly for Labour; Parliamentary Delegation; rate of release of security prisoners; use of tear smoke in disturbances; suggestion that political Dept. might be given an Economic Adviser; electoral nomination position in Punjab; likely attitude of an interim govt. to use of Indian troops in Java; Council's decision to join Bretton Woods Fund and Bank; asks for reply to No. 257; representation of Princes at Victory celebrations; U.K. High Commissioner in India; representation of India at Peace Conference; village broadcasting	681
315	Wavell to Pethick-Lawrence Letter 592/30	27	Sends (1) appreciation of political situation; (2) a proposed programme of action; (3) note on composition of preliminary conference; (4) draft agenda (drawn up by Menon and Rau) for the conference	686
316	Wavell to Pethick-Lawrence Letter 592/31	27	Submits a 'Breakdown Plan' for use if Congress and Muslim League are unable to agree on Pakistan issue	699
317	Pethick-Lawrence to Attlee Minute 32/45	28	Sends him Wavell's reply (No. 300) on suggestions in his minute (No. 271) for fostering loyalty of Indian forces	702
318	Minute addressed to Gibson	undated	Asks him to prepare draft India Committee Paper on No. 315; indicates certain points which Paper should cover	702

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319	Cripps to Pethick-Lawrence Letter	30	Sends him letter he has received from Shiva Rao dated 15 Dec. 1945 which suggests a scheme for a reconstituted executive with an inner Cabinet and comments on other constitutional and political matters	704
320	Casey to Wavell Letter	31	Analyses political situation and suggests constitutional procedure Viceroy might follow	707
321	Cabinet India and Burma Committee Paper I.B. (45) 25	31	Memorandum by Pethick-Lawrence circulating Nos. 298, 305 and 312	712
322	Wavell to King George VI Letter, paras. 1–6	31	Calcutta riots; more moderate tone of Congress policy; Casey's and Wavell's conversations with Gandhi; assessment of Gandhi; I.N.A. trials; constitutional prospects for 1946	713
323	Note by Harris	undated	Analysis of Governors' replies to No. 128	715
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324	Wavell to Pethick-Lawrence Letter	1	Viceroy's visits to Calcutta and Andamans; Sapru Committee Report; Casey's interview of 22 Dec. 1945 with Gandhi; Nehru's views on future of States; Dalal's resignation; possible action on Bengal Administration Enquiry Committee Report; food situation; Indian troops in Java	717
325	Wavell to Pethick-Lawrence Letter 696/6/G	1	Future of Gurkha regiments in Indian Army	720
326	Casey to Wavell Letter R.G.C. XXVI	2	Summarises and comments on Commissioner of Police's Reports on Calcutta disturbances of Nov. 1945	724
327	Wylie to Wavell Letter U.P. 1/46	2	Conversation with Khaliq-uz-zaman on Pakistan	727
328	Cabinet India and Burma Committee Paper I.B. (46) 2	2	Memorandum by Pethick-Lawrence on Distribution of Legislative and Executive Powers between the Centre and the Provinces	728
329	Entry in Casey's Diary (extract)	2	Conversation with Ispahani on Casey's talks with Congress leaders; Muslim League and Pakistan; Muslim attitudes to Hindus and British	731
330	Wavell to Casey Letter 592/30	4	Thanks for No. 320; is not convinced of value of plebiscites; thinks they must carry out Preliminary Conference as announced in No. 116	732
331	Pethick-Lawrence to Wavell Letter	4	Refers to Nos. 268, 296 and 314; Viceroy's plan of action; Jinnah's statement on Pakistan (Annex to No. 296); Viceroy's visit to Andamans;	733

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331	(*cont.*)		representation of Labour in Central Legislature; Parliamentary Delegation; improvement in political situation; lessons of Calcutta riots; appointment of U.K. High Commissioner; extending war-time powers of Centre in economic field; position of Hyderabad under Capital Goods Import Registration Scheme; his wish to obtain Parliamentary sanction for an Executive without 3 members having 10 years' service under the Crown; Monckton's forthcoming visit to advise Hyderabad	
332	Note by Wavell	5	Interview with Jinnah on Punjab and Sind elections, Wavell's wish to meet prominent members of League, Simla Offer and H.M.G.'s constitutional intentions and Muslims' uncompromising stand on Pakistan	737
333	Wavell to Pethick-Lawrence Tel. 45-S	5	Requests to be allowed to announce date for withdrawal of Indian troops from active service in Java	739
334	Wavell to Pethick-Lawrence Letter	6	Refers to No. 306; arrival of Parliamentary Delegation; Pethick-Lawrence's New Year message; Wavell's interview with Jinnah (No. 332); need for Parliamentary sanction for an Executive without 3 members having 10 years' service under the Crown; Casey's ideas on political situation and constitutional advance (No. 320); Wavell's speech to Chamber of Princes and future of States; sentences in I.N.A. trials; decision not to move govt. to Simla for summer months; food situation; textiles for Siam	739
335	Pethick-Lawrence to Wavell Tel. 528	7	Refers to No. 315 and asks whether it is part of Wavell's plan to Indianise War portfolio	741
336	Cabinet India and Burma Committee Paper I.B. (46) 3	7	Memorandum by Pethick-Lawrence on Distribution of Legislative and Executive Powers between the Centre and the Provinces	742
337	Cabinet India and Burma Committee Paper I.B. (46) 4	7	Memorandum by Pethick-Lawrence circulating Enclosures 1-4 to No. 315 and Enclosure to No. 316	743
338	Cabinet India and Burma Committee Paper I.B. (46) 6	7	Memorandum by Pethick-Lawrence on Legislation to Remove the Statutory Bar to the Further Indianisation of the Viceroy's Executive Council	745
339	Entry in Casey's Diary (Extract)	7	Interview with Syed Mahmud on constitutional and political situation	747

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340	Casey to Wavell Letter	8	Refers to No. 330; elaborates his views on use of plebiscites in connection with the Pakistan issue; casts doubt on value of Preliminary Conference of Provincial representatives	748
341	Pethick-Lawrence to Attlee Minute 3/46	9	Sends him Wavell's request (No. 333) for statement on Indian troops in Java	750
342	Pethick-Lawrence to Attlee Minute 4/46	9	Asks that consideration of No. 333 should not be postponed	751
343	Notes by Srivastava and Mudie	9	Srivastava's constitutional suggestions to be shown to Parliamentary Delegation; Mudie's comments thereon	752
344	Twynam to Wavell Letter R. 1–G.C.P., para. 1	10	Continuing fears of another Congress mass movement	755
345	Wavell to Pethick-Lawrence Tel. 10–S.C.	10	Refers to No. 335 and states intention is that War portfolio should be Indianised	756
346	Wavell to Pethick-Lawrence Tel. 11–S.C.	10	Expresses concern over use of Indian troops in Burma	756
347	Cabinet India and Burma Committee Paper I.B. (46) 7	10	Memorandum by Pethick-Lawrence commenting on the Viceroy's Plan	757
348	Cabinet Defence Committee D.O. (46) first Meeting Minutes 1 (extract), 4	11	Size of the Armed Forces at 30 June 1946; use of Indian troops in Java	763
349	Cripps to Pethick-Lawrence Letter	11	Sends him letter from Short which quotes precedent of Durham visiting Canada with three assistants	765
350	Croft to Monteath Minute	11	Sends notes by 'F.M.' and Moon on Muslim League, Pakistan and general constitutional situation	766
351	Pethick-Lawrence to Wavell Letter	11	Refers to Nos. 201 and 324; Viceroy's proposals in Nos. 315 and 316; need to define genuinely Muslim areas; proposed Indianisation of War portfolio; Casey's interview with Gandhi on 22 Dec. 1945 (No. 311); Viceroy's visit to Andamans; letter from Bevin Boy on lack of employment possibilities; new aircraft for Princes who loaned theirs to govt. during War; Princes' Civil Lists; correspondence with Casey and Colville on maltreatment of persons in custody	775
352	Wavell to Casey Letter 592/30	14	Thanks for No. 340; feels it will be possible to have local option to adhere to Pakistan without plebiscites; explains importance H.M.G. attaches to Preliminary Conference	778
353	Azad to Pethick-Lawrence Letter	14	Thanks for No. 308; will be glad to meet members of Parliamentary Delegation	779

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354	Cabinet Far Eastern Civil Planning Unit Paper GEN. 77/94 (extract)	14	Note by Secretaries circulating draft paper on British Foreign Policy in the Far East from which paras. 222–30, relating to India, are reprinted	780
355	Cabinet India and Burma Committee I.B. (46) first Meeting Minutes 1–4	14	Parliamentary Delegation to India; Distribution of Legislative and Executive Powers between the Centre and Provinces; Legislation to remove the statutory bar to the further Indianisation of the Viceroy's Executive Council; Plan of action regarding the Constitutional issue	783
356	Heath to Pethick-Lawrence Letter	14	Sends note outlining his constitutional proposal for recognizing the provinces as independent autonomous States but retaining a limited Federal Union with letter summarising its contents	789
357	Wavell to Pethick-Lawrence Letter	15	Refers to Nos. 302 and 331; Viceroy's visit to Bombay; Bombay and general food situation; demonetisation of currency notes of Rs 500 and above; Wavell's criticism of interim constitution idea; Wyatt's conversations with Jinnah and Nehru; reduction in numbers of security prisoners in Bengal; Nehru's praise of Hurs; reassures Pethick-Lawrence on frequent prosecutions for seditious speeches; enquiry into Calcutta riots; encouragement for ex-P.O.W.s who remained loyal; Indian immigration into Burma; difficulties in obtaining agricultural experts from U.K.; use of Indian troops in Java; Enclosure: Note by Rankin dated 8 Jan. 1946 on Woodrow-Wyatt/Jinnah talk	794
358	Brook to Monteath Letter	16	Sends him minute from Bridges to Attlee dated 15 Jan. recommending that relations with U.K. High Commissioner in India be conducted by Cabinet Office	799
359	Note by Zinkin (sent to India Office by Cripps)	——	Economic viability of Pakistan	801
360	Turnbull to Pethick-Lawrence Minute	16	Refers to No. 349; understands Cripps has suggested 'kindergarten' might consider aspects of the Treaty with India; outlines possible subjects and difficulties; gives his views	805
361	Glancy to Wavell Letter 584 (extract)	16	Deterioration in communal relations; reactions to first I.N.A. trial sentences	807
362	Wavell to Pethick-Lawrence Tel. 115-S	17	Warns H.M.G. of serious consequences likely to follow from use of Indian	808

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362	(*cont.*)		troops in Burma; expresses concern at Governor of Burma's policy	
363	Pethick-Lawrence to Attlee Minute 7/46	17	Sends him draft tel. to Wavell informing him of decision to send Cabinet Delegation; explains importance of early decision on membership of Delegation	809
364	Cabinet Defence Committee Paper D.O. (46) 6	17	Memorandum by Pethick-Lawrence on Use of Indian Troops in Java annexing (I) texts of Adjournment Motions in Indian Legislative Assembly on subject, (II) material for reply to Motions (extract)	811
365	Auchinleck to Chiefs of Staff Tel. 63 COS via Cabinet Offices	18	Refers to No. 310; officially requests despatch of 3 British Brigade Groups to India; agrees to cover plan	813
366	Attlee to Pethick-Lawrence Minute M. 20/46	18	Does not think draft tel. sent with No. 363 is suitable	814
367	Pethick-Lawrence to Wavell Letter	18	Refers to No. 334; concern that Parliamentary Delegation should not visit Singapore or Burma and should return together; amending statutory obligation to have three Members of Council with 10 years' service under Crown; Assembly debate on Indian troops in Java; U.N. Assembly meeting in London; agreement to Mudaliar's serving as Chairman of U.N. Social and Economic Council, if elected	815
368	Cabinet Defence Committee D.O. (46) second meeting	18	Use of Indian troops in Java; Annex I: Suggested Statement for Lord Wavell to make in his Speech on Jan. 21; Annex II: Draft tel. to Viceroy	816
369	Casey to Pethick-Lawrence Letter	18	Suggests Lord and Lady Mountbatten make series of visits to Dominions when Lord Mountbatten relinquishes S.E.A. Command	821
370	Wavell to Pethick-Lawrence Letter	19	Refers to Enclosure 3 to No. 315; discusses representation of States at a Preliminary Conference in light of Corfield's informal discussions with Bhopal	822
371	Wavell to Pethick-Lawrence Letter	21–23	Refers to Nos. 157, 331 and 351; *Hindustan Times* on Congress policy towards Assembly; Congress M.L.A.s refuse Viceroy's tea party invitation; Viceroy's interview with Patel; further seats for Labour in Legislature; Bhopal's statement to Chamber on constitutional developments in States; check on Vidyarthi's allegations of ill-treatment in	823

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371	(*cont.*)		Red Fort and Nagpur jail; G. of I.'s statement on Agriculture and Food; discussions with Deshmukh on questions concerning Indians in S. Africa; hopes Mudaliar will be elected Chairman of U.N. Social and Economic Council; work of the Secretariat of the Coordination Committee of Council; settlement of Machkund dispute between Orissa and Madras; preventing damage from the Kosi river; work for Bevin trainees; aircraft for Princes; passage situation; Assembly defeat on use of Indian troops in Java; Enclosure: Note of Interview with Patel on 19 Jan. 1946	
372	Cabinet C.M. (46) 7th Conclusions Minute 1	22	Procedure for forthcoming constitutional discussions in India; agreement in principle to send Cabinet Mission to India; Viceroy to be associated with it	830

CHAPTER 4

Preparations for the Cabinet Mission: 22 January to 22 March 1946

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374	Auchinleck to Wavell Letter 80/V-1/46/4	22	Explains why he favours dropping the charge of waging war against the King in future I.N.A. trials	835
375	Cabinet India and Burma Committee Paper I.B. (46) 10	22	Memorandum by Pethick-Lawrence on Indian Diplomatic Representation in Washington and Chungking	836
376	Minute by Monteath	22	Alleges 'extreme oversimplification' in ideas in No. 356 and its Enclosure; shows how plan being drawn up by India Office working party rests on fundamental features of Indian political structure	837
377	Pethick-Lawrence to Wavell Letter	24	Thanks for No. 296, para. 10; asks for a review of Hyderabad's probable policy in connection with coming constitutional discussions	840

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379	Pethick-Lawrence to Wavell Letter	25	Refers to No. 357; Kasturbhai Lalbhai; food situation; Wyatt's conversations with Jinnah and Nehru; releases of security prisoners in Bengal; assisting recruitment of various experts; difficulties in withdrawing Indian troops from Java; Mudaliar's election as Chairman of U.N. Economic and Social Council; fatalities in Indian coal mines	842
380	Wavell to Pethick-Lawrence Tel. 75-S	26	Refers to No. 373; welcomes decision on Cabinet Mission but warns it must be prepared for stay of two months or longer	844
381	Monteath to Rowlands Letter (extract)	26	No. 382 has been seen and approved by Pethick-Lawrence	845
382	Monteath to Rowlands Letter (extract)	26	Feels the day has gone when, at the last moment, the G. of I. can properly or usefully be expected to submit a complete budget for Whitehall's approval	845
383	Wavell to Pethick-Lawrence Letter 341/9	27	Refers to No. 345; explains why it should be possible to Indianise the War portfolio under present constitution; encloses note by Auchinleck on War portfolio	847
384	Nehru to Cripps Letter	27	Analyses Indian situation and gives recommendations on future political and constitutional policy	851
385	Cabinet India and Burma Committee Paper I.B. (46) 14	28	Memorandum by Pethick-Lawrence circulating No. 380 and giving information of Indian Press leak on decision to send Mission	859
386	Wylie to Wavell Letter U.P.-3/46, paras. 7-8	28	Preparations for possible disturbances; militant Hinduism in Benares	859
387	Pethick-Lawrence to Wavell Tel. 2090	29	Asks him to send his views on definition of Muslim areas and the Treaty within a fortnight	860
388	Pethick-Lawrence to Attlee Minute 10/46	29	Presses again for early decision on membership of Cabinet Mission	861
389	Wavell to Pethick-Lawrence Letter 592/30	29	Sends account of interview with Azad and Asaf Ali on 25 Jan.; feels it is unacceptable to form an Executive Council from nominations of Provincial Premiers	861
390	Wavell to Pethick-Lawrence Letter	29	Refers to Nos. 214, 246, 331, 351 and 367; Wyatt; election of President of Legislative Assembly; Wavell's address to Legislative Assembly; Assembly debate on detenus; food situation and representation of Indian case to	866

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390	(*cont.*)		Combined Food Board (paras. 5–6); possible reactions of a 'political' govt. to a famine; Bombay disturbances; employment for Bevin Boys; property ownership by Indians in S. Africa; Indus and Machkund disputes; use of tear gas in Calcutta disturbances; Council approves legislation to reduce basic working hours; civilian and service passages from India to U.K. (paras. 16–17); Hyderabad's attitude to Capital Goods Imports Registration Scheme; Clark Kerr's arrival; decision to depose Rewa	
391	Pethick-Lawrence to Attlee Minute 11/46	30	Sends him No. 369; passes on Lady Willingdon's idea that Mountbatten should be next Viceroy	871
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392	Pethick-Lawrence to Wavell Letter	1	Refers to Nos. 314 and 371; Patel; question of a resolution of Central Legislature thanking Indian Army; nomination of Labour representatives to Assembly; Chamber of Princes' resolutions; S. Africa developments; Assembly debate on use of Indian troops in Indonesia; difficulties of withdrawing Indian troops from Indonesia; civilian passage situation; valedictory letter for Casey; investigation of Vidyarthi's allegations of torture; inviting Princes to Victory celebrations	872
393	Attlee to Members of India Committee Minute M. 44/46	3	Circulates letter from Moore which encloses notes of conversation with Jinnah on 22 Jan. 1946	874
394	Alanbrooke to Auchinleck Tel. 96169 via special channel	4	Refers to No. 365; asks for further appreciation making as strong and complete a case as possible for despatch of British reinforcements to India	879
395	Rowlands to Monteath Tel. 1236 (extract)	5	Explains Indian anxieties on payment of sterling balances; feels it would help if Treasury could say it hopes to begin negotiations by May or June in India	880
396	Clow to Wavell Letter 205, para. 11	5	Sa'adulla on Pakistan	881
397	Monteath to Pethick-Lawrence Minute	5	Explains assumptions made in note on Defence Problems of Pakistan (Part 2 of No. 427)	881
398	Turnbull to Clauson Minute	5	Feels they should prepare now a statement which Cabinet Mission can make at any stage of its discussions on H.M.G.'s obligations to Princes	882

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	Name and Number	Date	Main subject or subjects	Page
		February		
399	Wavell to Pethick-Lawrence Letter	5	Refers to Nos. 351, 371 and 377; Richards wrongly addresses Gandhi as Jinnah; Punjab crop prospects; Wavell presses Srivastava to head Indian Food Delegation; measures to combat food shortage; no hope of political leaders co-operating with govt. on food question; Ministry-formation in Assam and Sind; new President of Assembly; Assembly debates recruitment of Europeans to I.C.S. and I.P.; hero-worship of I.N.A. men; appreciation on Hyderabad's constitutional policy; aeroplanes for Princes; helpful attitude of Parliamentary Delegation	883
400	Wavell to Pethick-Lawrence Tel. 22-S.C.	6	Summarises attitudes of members of Parliamentary Delegation	886
401	Pethick-Lawrence to Wavell Tel. 29	6	Conveys and supports informal request from Dorman-Smith for appointment of Govt. of Burma representative in Delhi	887
402	Pethick-Lawrence to Attlee Minute 13/46	6	Sends draft announcement on Cabinet Mission and list of possible supplementary questions	888
403	Wavell to Pethick-Lawrence Letter 592/29	6	Sends Rau's first drafts of provisions relating to Defence, External Affairs, Protection of Crown Servants and Relations with Indian States for projected Treaty between U.K. and India (Enclosure also includes drafts relating to Minorities and Finance)	890
404	Wavell to Pethick-Lawrence Letter 125/54	6	Outlines courses open to Govt. to protect services from victimisation for actions taken during war emergency; explains difficulties; imperative to do something effective; seeks his views	908
405	Cripps to Attlee Minute	6	Sends amendment to announcement in No. 402 and his own suggested answers to list of possible supplementary questions in Annexure to No. 402	911
406	Wavell to Pethick-Lawrence Tel. 23-S.C.	7	Refers to No. 387; sends and comments on his demarcation of genuinely Muslim areas	912
407	Pethick-Lawrence to Wavell Letter	7	Refers to No. 370; does not feel it necessarily follows that a Preliminary Conference must be held before setting up of Constitution-Making Body; comments on representation for Princes	914
408	Turnbull to Blaker Letter	7	Sends him note by Pethick-Lawrence on programme and procedure for Cabinet Mission while in India	915

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	Name and Number	Date	Main subject or subjects	Page
		February		
409	Cabinet Minutes of *ad hoc* Committee on Financial and Commercial Policy GEN. 89/7th Meeting	7	Decision that H.M.G. will not make statement on Indian Sterling balances	917
410	Pethick-Lawrence to Wavell Letter	7	Refers to Nos. 371 and 390; Wyatt; arrangements for return of Parliamentary Delegation; Legislative Assembly situation; food situation; Congress repudiates suggestion it should send representative with Indian Food Delegation; employment for Bevin Boys; use of tear gas in disturbances; possible Dominion P.M.'s Conference in Spring and question of Indian representation; possible conference on Empire policy and co-ordinated organisation in Far East; passages for civilians; failure to get Zafrullah elected as a Judge of the International Court	919
411	Pethick-Lawrence to Attlee Minute 14/46	7	Refers to Nos. 402 and 405; sends his own suggested answers to list of possible supplementary questions	923
412	Alexander to Attlee Minute	7	Refers to Nos. 402 and 405; concurs in Cripps' suggested answers with one exception	925
413	Wavell to Pethick-Lawrence Tel. 33-S.C.	8	Refers to No. 401; has no objection to Burmese representative in Delhi	925
414	Pethick-Lawrence to Wavell Tel. 2863	8	Refers to No. 415; asks for his comments immediately	926
415	Pethick-Lawrence to Wavell Tel. 2864	8	Refers to No. 414; sends text of Parliamentary statement on Cabinet Mission	926
416	Wavell to Pethick-Lawrence Tel. 317-S	9	Refers to Nos. 414 and 415; thinks announcement is suitable; asks for Cabinet's reactions to Nos. 315 and 316 before announcement is made	927
417	Twynam to Wavell Letter R-3/G.C.P., paras. 3-8	9	Unlikely Congress will make truce on law and order question; possibility of demands for enquiry into acts of administration during 1942 disturbances; need to face Pakistan issue before Congress Ministries come into power	927
418	Lewis to Wavell Report 3, para. 4	9	Mahtab conveys Gandhi's special message	930
419	Cabinet C.M. (46) 14th Conclusions Minute 3	11	Approval for suggested composition of Cabinet Mission	931
420	Note by Abell	11	Interview with Gandhi on food question	932
421	Rowlands to Monteath Letter, paras. 5, 8	11	In talks with Parliamentary Delegation has stressed importance of H.M.G. conceding principle of Pakistan; proceedings of Legislative Assembly	935

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		February		
422	Pethick-Lawrence to Wavell Tel. 3019	12	Refers to No. 416; informs him of date of announcement on Cabinet Mission; explains why they are unable to express definite views on his proposals at this stage	937
423	Wavell to Pethick-Lawrence Tel. 337	13	Refers to No. 422; explains why it is important he is told of Cabinet views on his breakdown plan (No. 316)	938
424	Turnbull to Mottershead Letter	13	Sends Alexander an extract of No. 344	939
425	Auchinleck to Wavell Letter 80/V-1/46/13	13	Sends him copy of letter sent to Army Commanders on effects of I.N.A. trials and factors which have been taken into account in commuting first sentences	939
426	Rough notes on meeting of members of Parliamentary Delegation at 10 Downing Street	undated	Views on constitutional problem given at this meeting held on 13 Feb. 1946	947
427	Cabinet Delegation to India Paper C.D.I. (1)	13	Note by Pethick-Lawrence circulating India Office notes on the Viability of Pakistan	951
428	Cabinet Delegation to India Paper C.D.I. (2)	13	Note by Pethick-Lawrence circulating No. 406, India Office minuting thereon and illustrative sketch maps	964
429	Wavell to Pethick-Lawrence Letter	13	Refers to Nos. 390 and 392; arrival of Burrows; Council to discuss proposed all-India cut in food ration; talks with Jinnah and Gandhi asking for their help on food question; support for Indian position at Washington Combined Food Board; Parliamentary Delegation's last Press Conference; information on Labour Members nominated to Assembly; passage situation; Khalifat issue seems to be dead; Rewa deposition; Gopalaswami Iyengar invited to serve on Rewa Constitutional Committee; settlement of financial issues arising from distribution of Indus waters; proposed assurance by H.M.G. of pension rights of civil services; Muslim League's protest against sentence passed on Rashid; interview with the Brailsfords; Enclosure: Cutting from *Statesman* of 9 Feb. 1946 on farewell press interview given by members of Parliamentary Delegation	967
430	Auchinleck to Alanbrooke Tel. IND 0680	14	Refers to No. 394; indicates difficulties of making an appreciation of situation in which anti-government action and religious war on large scale cannot be excluded; in view of uncertainties is not convinced that despatch of British Brigade Groups is essential	975

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		February		
431	Pethick-Lawrence to Wavell Tel. 3225	14	Refers to No. 423; feels his colleagues are unlikely to favour either extreme course on Pakistan issue; arrangements for informing Governors about Cabinet Mission	976
432	Wavell to Pethick-Lawrence Letter 681/12	14	Refers to No. 377; probable attitude of Hyderabad towards constitutional discussions	977
433	Cabinet Delegation to India Paper C.D.I. (3)	14	Note by Pethick-Lawrence circulating India Office note on the Muslim Problem	978
434	Cabinet Delegation to India Paper C.D.I. (5)	15	Note by Pethick-Lawrence circulating India Office note on Policy on Indian States	985
435	Cabinet Delegation to India Paper C.D.I. (6)	15	Note by Pethick-Lawrence circulating India Office note on Attachment of Small States to British Indian Provinces	988
436	Pethick-Lawrence to Wavell Letter	15	Refers to No. 399; meeting with Parliamentary Delegation on its return; idea of general amnesty or other measures to reduce number of remaining political detenus; arrangements for visit of Indian food delegation; asking for U.S. assistance in connection with world wheat shortage; abandonment of 'free' rice policy in Siam; favourable impression of Hutchings; doubts about Pakistan idea; desire for appreciations of Hyderabad's intentions; Canadian govt. unable to exchange High Commissioners with India because of lack of suitable men; conversation with Dr. Stopes on birth control in India	990
437	Wavell to Governors Letter 125/49	16	Asks Governors to see high ranking members of Services and re-assure them that their difficulties are appreciated	993
438	Cabinet Delegation to India Paper C.D.I. (4)	16	Note by Pethick-Lawrence circulating India Office note on Methods of electing a Constitution-Making Body	994
439	Wavell to Pethick-Lawrence Letter	17	Seeks assurance that he will not be treated as a 'lay figure' by Cabinet Mission	1003
440	Cabinet India and Burma Committee Paper I.B. (46) 18	18	Memorandum by Pethick-Lawrence circulating No. 406 and sketch maps similar to those circulated with No. 428	1004
441	Cabinet C.M. (46) 16th Conclusions Minute 7	18	Commons Statement on Cabinet Mission	1005
442	Wavell to Pethick-Lawrence Letter	18	Refers to Nos. 314, 410 and 432; Gandhi and Jinnah helping on food question; possibility of riots following lowering	1006

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		February		
442	(*cont.*)		of food ration; Wavell's unfavourable reaction to S. of S.'s suggestion that India should cut food imports immediately; discussion of food question with Asaf Ali; procurement in U.P., Punjab and Bihar; Nehru's speech saying Congress must make friends of Army; inability of Congress and League to form coalitions in Assam and Sind; Sind politics; Congress to form further Ministry in N.-W.F.P.; Calcutta disturbances die down; Muslim League agitation on Abdul Rashid's sentence for I.N.A. activities; letter to Governors on policy towards prisoners convicted in connection with 1942 disturbances; result of examination of cases of persons detained after serving long terms of imprisonment; Ceylon's refusal to resume negotiations on India–Ceylon relations; Political Dept. expect Nizam to stall on constitutional reforms; leakage of information on Cabinet Mission; civil passage situation	
443	Pethick-Lawrence to Wavell Tel. 3516	19	Sends him text of addition to Statement on Cabinet Mission relating to departmental responsibilities during Ministers' absence	1010
444	Cabinet India and Burma Committee Paper I.B. (46) 19	19	Memorandum by Pethick-Lawrence circulating letter of 9 Feb. 1946 from Jinnah to him with its Enclosures on Muslim League's constitutional policy	1011
445	Pethick-Lawrence to Wavell Tel. 3607	19	Asks to be kept fully informed on R.I.N. mutiny and Bombay disturbances	1016
446	Wavell to Pethick-Lawrence Letter 592/30	19	Refers to No. 407; explains why he feels it will be difficult to avoid having a 'Preliminary Conference'	1017
447	Wylie to Wavell Letter U.P.–6	19	Refers to No. 437; main cause of discontent in the Services; asks to receive direction under Section 54 (1) of 1935 Act requiring him to resist any attempt by Congress Ministry to victimise services for actions during 1942 disturbances	1018
448	Note issued by Information Dept. of India Office	undated	Remarks by Nehru on constitutional policy and Pakistan issue	1021
449	Richards to Pethick-Lawrence Letter	20	Encloses letter from Rajagopalachari outlining scheme for partial federation in event of failure to come to agreement with Jinnah	1023

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		February		
450	Mudie to Wavell Letter 98/FR, para. 4	20–21	Refers to No. 437; is struck by high morale of Services	1024
451	Pethick-Lawrence to Wavell Draft letter	21	Refers to No. 439; assures him Cabinet Mission has no intention of acting separately from Viceroy	1025
452	Cabinet Delegation to India Paper C.D.I. (7)	21	Note by Pethick-Lawrence circulating India Office note on the Interim Executive Council	1026
453	Cabinet Delegation to India Paper C.D.I. (8)	21	Note by Pethick-Lawrence circulating No. 383 and commenting on proposal to Indianise War Portfolio	1030
454	Pethick-Lawrence to Wavell Tel. 3721	21	Asks him to telegraph most immediately on Bombay situation if he has not already done so	1034
455	Attlee to Wavell Tel. 41 via India Office	21	Refers to No. 445; demands immediate statement on R.I.N. mutiny and Bombay situation	1035
456	Wavell to Pethick-Lawrence Tel. 422-S	21	Refer to No. 454 and informs him of tels. sent on situation	1035
457	Draft by India Office	undated	Re-draft of paras. 231–5 of No. 354	1035
458	Cabinet Chiefs of Staff Committee, Joint Planning Staff Paper J.P. (46) 20 (Final)	22	Report on Auchinleck's request for troop reinforcements annexing (I) draft tel. to Auchinleck (later sent) declining his request but giving him first call on certain troops (II) draft report to Defence Committee	1037
459	Minutes by Patrick and Monteath	22–27	Refer to No. 432; discussions with Monckton on Hyderabad's future aims and policy	1042
460	Pethick-Lawrence to Wavell Letter	22	Refers to No. 429; arrival of the Burrows; Indian Food Delegation's reception in London; Wavell's contacts with Gandhi and Jinnah on food question; value of Parliamentary Delegation's visit; thanks for information on labour members nominated to Assembly; notes there is no objection to burying ex-Sultan in Hyderabad; Rewa deposition; regrets Sapru and Jayakar are not serving on Rewa Constitutional Committee; supplementaries asked after announcement of Cabinet Delegation; reinforcement of Indian civil health services; R.I.N. mutiny	1044
461	Wavell to Pethick-Lawrence Tel. 424-S	22	Regrets he has not received necessary information on R.I.N. mutiny; comments briefly on situation	1047
462	Attlee to Wavell Tel. 42 via India Office	22	Is still not receiving situation reports on R.I.N. mutiny speedily and expresses surprise they have not been sent direct; asks for constant personal reports in future	1048

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		February		
463	Pethick-Lawrence to Wavell Tel. 3868	22	Refers to No. 461; conveys Defence Committee's request that grievances of R.I.N. mutineers and of other military services should be examined urgently	1049
464	Wavell to Attlee Tel. 39-S.C. via India Office	23	Refers to No. 462; explains measures taken to keep Attlee and himself informed of R.I.N. mutiny situation	1049
465	Cabinet Delegation to India Paper C.D.I. (9)	23	Note by Pethick-Lawrence circulating India Office note on the Treaty	1050
466	Wavell to Attlee Tel. 455-S via India Office	24	Reports R.I.N. mutiny is now under control but that rioting in Bombay is serious; assesses background to disturbances	1054
467	Wavell to Pethick-Lawrence Tel. 457-S	24	Refers to No. 463; sends details of reply given in Assembly stating measures being taken to investigate mutiny	1056
468	Record of discussions at Chequers	24	Programme for Cabinet Mission on their arrival; tactics of Mission; directive to Delegation; interim Executive Council; possibility of confederal solution; position on India's treaty obligations; Appendices: drafts of directive to Delegation and Viceroy	1057
469	Wavell to Twynam Letter 40/7, paras. 1-6	25	Refers to No. 417; way Cabinet Mission discussions may affect Congress policy on victimisation of Services; does not intend to suggest that Viceroy or Governors should abrogate their special powers before new Constitution is framed	1064
470	Note by Wavell	25	Interview with Azad and Asaf Ali on food question, Ministry-formation in Provinces and victimisation of Services	1065
471	Pethick-Lawrence to Wavell Tel. 4100	27	Refers to Nos. 446 and 472; sends Delegation's tentative ideas on initial programme of interviews	1068
472	Pethick-Lawrence to Wavell Tel. 4101	27	Refers to No. 431; informs him of line of thinking at Chequers meeting and of ideas in draft directive	1069
473	Auchinleck to Mayne Letter 80/M-7/46/10, para. 12	27	Favours appointment of civilian War Member as soon as possible	1071
474	Mudie to Wavell Letter 116	27	Karachi riots; ultimate responsibility of Nehru and other Congress leaders for situation	1071
475	Cabinet Delegation to India Paper C.D.I. (10)	27	Note by Pethick-Lawrence circulating report on Gandhi's scheme for a constitution for a free India	1074
476	Pethick-Lawrence to Cripps Letter	27	Hopes he will accept Wavell's invitation to stay at Viceroy's House for a day or two on their arrival	1075

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		February		
477	Wavell to Pethick-Lawrence Letter	27	Refers to Nos. 331, 436 and 442; delays to messages on R.I.N. mutiny and Bombay riots; causes of disturbances; Congress and League dissociation from, but Communist encouragement of them; Indian Army remains steady; disturbances have little effect on language used in election speeches; interview with Ghosh covering Press incitements to violence; interview with Azad and Asaf Ali on food question (No. 470); Wylie's request for a direction on victimisation of Services issue (No. 447); Muslim League successes in Punjab elections; problem of Ministry-formation in Punjab; Food delegation and food situation; suggestion of general amnesty for political prisoners; legality of Centre's use of its import control powers to regulate new industries; possible strike by miners against re-imposition of ban on women miners; Viceroy's visit to Patiala; passages for civilians; British Council and India	1075
478	Colville to Wavell Report 58, paras. 1–16, 23	27	Account of R.I.N. mutiny and Bombay civil riots; Nehru's and Patel's meeting at Chaupatty; Patel's message hoping there would be no victimisation following R.I.N. mutiny	1079
479	Cunningham to Wavell Report 4, paras. 3, 5	27	Result of N.-W.F.P. elections; reasons for Muslim League's failure	1085
480	Chiefs of Staff Committee C.O.S. (46) thirty-second meeting, Minute 12	28	Takes note of minute by Attlee agreeing with policy in No. 458	1086
481	Donaldson to Beckett Letter	28	Asks him certain questions on India's treaty obligations with reference to the framing of a treaty between an independent India and the U.K.	1086
482	Cabinet Delegation to India Paper C.D.I. (11)	28	Note by Pethick-Lawrence circulating Nos. 370, 407 and 446	1088
483	Blaker to Turnbull Letter	28	Refers to No. 476; Cripps agrees to stay with Wavell for two days and no more	1089
		March		
484	Pethick-Lawrence to Wavell Letter	1	Explains why Cabinet Mission wish to begin their visit without preconceived ideas	1089
485	Horace Alexander to Cripps Letter (extract)	1	Recommends Cripps brings Short out with him; considers no Bengali Muslim would want an eastern Muslim state to be attached to a western Indian Pakistan;	1090

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485	(*cont.*)		believes auguries for Cabinet Mission are reasonably good	
486	Monteath to Ismay Letter	1	Asks Chiefs of Staff questions on H.M.G.'s essential defence requirements with reference to the framing of a treaty with independent India	1091
487	Henderson to Pethick-Lawrence Minute	1	Ways in which the Pakistan problem might be resolved short of a final partition of India	1094
488	Pethick-Lawrence to Wavell Letter	1	Refers to No. 442; meeting of Indian Food Delegation with Attlee, Smith and himself; R.I.N. Mutiny; Cabinet Mission's meeting at Chequers; short notice given to Governors about Cabinet Mission's announcement; outcome of elections in certain Provinces; policy towards prisoners convicted in connection with 1942 disturbances; Ceylon's refusal to resume negotiations on Indo-Ceylon relations; Monckton's return; passages for civilians; Pethick-Lawrence's speech to Oxford Majlis; talk with Godfrey Nicholson; new order prohibiting strikes and lockouts without 14 days' notice	1097
489	Wavell to Pethick-Lawrence Letter 95	2–3	Auchinleck reports there is increasing feeling of insecurity in Defence Services about pensions	1100
490	Wavell to Pethick-Lawrence Tel. 517-S	3	Agrees with general purport of No. 472 but feels Delegation must have reached tentative conclusions on points listed before it leaves U.K.; asks permission to show draft directive to his principal advisers	1101
491	Wavell to Pethick-Lawrence Tel. 5-U	3	Suggests amendments to directive to Cabinet Delegation and repeats request to show directive to his advisers	1103
492	Wavell to Pethick-Lawrence Tel. 518-S	3	Refers to No. 471; sends his own suggested programme of interviews for Delegation	1104
493	Pethick-Lawrence to Attlee Minute 21/46	4	Refers to Nos. 490 and 491; suggests Wavell is told they only agree to his consulting Auchinleck and Corfield on draft directive	1106
494	Pethick-Lawrence to Attlee Minute 22/46	4	Feels King should be told that Indian settlement may be on basis of her not remaining in Empire	1106
495	Pethick-Lawrence to Wavell Tel. 4539	5	Refers to No. 490; says he may consult Auchinleck and Corfield on draft directive	1107
496	Nehru to Cripps Letter	5	Is troubled at some indications of H.M.G.'s policy	1107

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		March		
497	Minute by Attlee	5	Refers to No. 494; has told King negotiations are based on Cripps offer which gave India 'freedom to choose her future, which might be independence'	1108
498	Turnbull to Pethick-Lawrence Minute	5	Sends him note by India Office on Rau's draft Treaty provisions (Enclosure to No. 403)	1108
499	Wavell to Pethick-Lawrence Letter	5	Refers to Nos. 392, 436, 442 and 460; law and order situation settling down; Nehru's inflammatory speeches; not in favour of general amnesty for persons convicted in connection with 1942 disturbances; threat of strikes in Posts and Telegraphs Dept. and on railways; Rowlands' Budget; Vidyarthi's allegations of torture in Red Fort; Devadas Gandhi's idea of international arbitration on constitutional question; doubtful prospects of a Ministry in Punjab; difficulty in finding chairman for Rewa Constitutional Committee; enfranchisement of Indians in Ceylon; birth control in India; ceremony for visiting Tibetan Mission; New Delhi Victory Week celebrations; establishment of advisory Food Committee; Auchinleck's proposals for dealing with R.I.N. mutiny; date of Twynam's departure from Central Provinces; Enclosure 1: cutting from *Hindustan Times* of 3 March headed: 'Azad welcomes Ration Cut'; Enclosure 2: cutting from *Statesman* of 4 March headed: 'India on Edge of Volcano, says Nehru'	1110
500	Wavell to Pethick-Lawrence Tel. 535-S	6	Refers to No. 495; insists Thorne is shown draft directive	1118
501	Pethick-Lawrence to Attlee Minute 24/46	6	Indicates which of Wavell's suggested amendments to draft directive Cabinet Mission agrees to	1119
502	Pethick-Lawrence to Attlee Minute 25/46	6	Refers to No. 497; Delegation feels King should be sent draft directive and that they should explain to him certain of its implications	1120
503	Wavell to Pethick-Lawrence Tel. 542-S	6	Refers to Nos. 447 and 477, para. 5; Home Member and Viceroy agree with Wylie that absolutely firm line must be taken with any Congress Ministries which attempt to victimise services on account of 1942 disturbances	1121

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		March		
504	Pethick-Lawrence to Wavell Tel. 4722	7	Refers to Nos. 490 and 491; explains purpose of directive and H.M.G.'s attitude to Pakistan principle; indicates which of Wavell's amendments to directive are accepted; agrees generally with programme in No. 492	1121
505	Pethick-Lawrence to Lascelles Letter	7	Sends King draft directive to Cabinet Delegation; explains its implications for India's continued membership of Commonwealth and Crown's relations with States	1123
506	Lascelles to Pethick-Lawrence Letter	7	Is laying No. 505 and draft directive before King	1124
507	Cabinet Paper C.P. (46) 96	7	Circulates final version of directive to Cabinet Delegation	1124
508	Pethick-Lawrence to Dalton Letter	7	Asks him for his views on idea that H.M.G. should take over certain pensionary obligations to Indian services in return for cancellation of part of sterling balances	1126
509	Cabinet C.M. (46) 22nd Conclusions, Minute 3. Confidential Annex	8	Approval for directive in No. 507	1128
510	Pethick-Lawrence to Wavell Letter	8	Refers to Nos. 231, 331, 436 and 477; Attlee sends Smith to Washington in response to request from Mudaliar; treatment of Food Delegation as Government guests not to be considered a precedent; wisdom of sending Cabinet Mission without delay; vital issues implicit in question of possible Congress victimisation of Services for actions taken during 1942 disturbances; poor prospects of stable government in Punjab; passage situation; return passages for the Brailsfords; question of a further visit to Hyderabad by Monckton; all-Party meeting of both Houses hear views of Parliamentary Delegation; detention of Jai Prakash Narain; situation on appointment of U.K. High Commissioner	1129
511	Pethick-Lawrence to Wavell Tel. 4886	8	Refers to No. 503; hopes he will hold matter in abeyance until Cabinet Mission arrives	1133
512	Wavell to Pethick-Lawrence Tel. 576-S	11	Refers to No. 504; sends further suggested amendments to directive to Delegation; feels they cannot afford to drive too hard a bargain and that provisional Cabinet decision on	1134

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512	(*cont.*)		Pakistan issue (including in last resort partition of Bengal and the Punjab) is called for	
513	Wavell to Pethick-Lawrence Tel. 581-S	11	Asks to be allowed to inform Governors of his constitutional proposals making it clear Delegation are not committed to them or any solution	1135
514	Abell to Clauson Letter	11	Sends note by Glancy dated 7 March on formation of Ministry in Punjab	1135
515	Cabinet Delegation to India Paper C.D.I. (13)	11–12	Note by Pethick-Lawrence circulating, in amplification of No. 434, India Office note on Policy for States	1139
516	Cabinet Delegation to India Paper C.D.I. (14)	11	Note by Pethick-Lawrence circulating India Office memorandum to Foreign Office and demi-official reply by Beckett on Treaty provisions for protection of Minorities	1153
517	Dalton to Pethick-Lawrence Letter	11	Refers to No. 508; suggests how Mission should handle pensions and sterling balance questions	1157
518	Minutes by Gibson, Patrick and Monteath	12	View that Wavell's request in No. 513 should be allowed; Annex: draft tel. replying to No. 513	1158
519	Cabinet Delegation to India Paper C.D.I. (?17)	12	Note by Pethick-Lawrence circulating India Office note on the Confederal System in relation to India	1159
520	Wavell to Pethick-Lawrence Letter	12	Refers to No. 488; interview with members of European Group of Legislature on civilian passages and other matters; instability of Sind and Punjab Ministries and effect in Punjab on food procurement; Congress and Advisory Food Committee; interview with Bhopal; Delhi Victory March; disturbances in Old Delhi; Council decides to terminate Trade Agreement with S. Africa; diplomatic and consular posts in Persia for Indians; indemnity for Services; discussion with Killearn and Mountbatten on food situation; compensation for members of Services who have appointments under Secretary of State compulsorily terminated; Investiture of record size; best wishes for success of Cabinet Mission	1163
521	Hollis to Monteath Letter C.O.S. 300/6	13	Sends Chiefs of Staff's comments on questions in No. 486 on H.M.G.'s essential defence requirements	1166
522	Hollis to Attlee Minute	13	Refers to No. 521; Chiefs of Staff stress that British forces will be needed for some time to maintain law and	1173

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522	(*cont.*)		order; such a use should be subject to British authorisation	
523	Wavell to Governors Letter	13	If a Ministry attempts to victimise Services in connection with 1942 disturbances, Governors should make it clear that they consider their special responsibility is attracted	1174
524	Record of Meeting at 10 Downing St.	13	Reply to No. 512; line to be taken in Commons Debate on 15 March; Defence Provisions of Treaty; Assurances to Services on Pensions etc.; British Commercial Assets in India; Consultation with Governors	1175
525	Sorensen to Pethick-Lawrence Letter	13	Sends his own reflections on the Parliamentary Delegation and the Indian problem	1179
526	Harrison to Clauson Letter	13	Encloses notes of interviews between Wavell and (1) Azad with Asaf Ali (2) Bhopal (3) Jinnah on 10 and 12 March	1185
527	Cabinet Delegation to India Paper C.D.I. (15)	13	Note by Pethick-Lawrence circulating details of election results in Punjab, Assam, Sind and N.-W.F.P.	1192
528	Cabinet Delegation to India Paper C.D.I. (16)	13	Note by Pethick-Lawrence circulating extracts from opinion by Beckett on whether any provision is required in Treaty to cover India's existing external obligations	1195
529	Pethick-Lawrence to Wavell Tel. 5291	14	Is unwilling to take amendments in No. 512 to Cabinet; explains object of directive	1197
530	Pethick-Lawrence to Wavell Tel. 5368	14	Informs him Attlee will tell Commons next day that Constitution-Making Body will be free to make India an independent State if Indians so desire	1198
531	Turnbull to Croft and Clauson Minute	14	Submits draft reply to No. 513 formulated in light of Downing St. discussions (No. 524)	1199
532	Pethick-Lawrence to Wavell Tel. 5352	14	Refers to No. 513; Mission and Attlee do not favour his sending breakdown plan to Governors; explains that they would welcome instead Governors' appreciations of situation in Provinces	1199
533	Turnbull to Rowan Letter	14	Sends draft telegram from Attlee to Dominion Prime Ministers informing them of Attlee's intended remarks in Commons debate next day (final version of telegram is reproduced)	1200
534	Record of Meeting of Deputation representative of U.K. Business Interests in India and U.K. Trade with India with Pethick-Lawrence and others	14	Points of concern to these interests particularly with reference to Cabinet Mission's discussions	1202

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	Name and Number	Date	Main subject or subjects	Page
		March		
535	Wavell to Pethick-Lawrence Tel. 649-S	15	Is dropping idea of Advisory Food Committee after Congress's decision not to co-operate and discussions with Jinnah and Gandhi	1207
536	Pethick-Lawrence to Wavell Letter	15	Refers to Nos. 410 and 477; Conference on Far East dropped for time being; visit by British Council officials to India; Attlee's speech in Commons	1208
537	Abell to Corfield Letter 592/29	17	Asks him whether it would not be better to omit the item in Enclosure to No. 403 which proposes that Paramountcy should be transferred to G. of I.	1209
538	Cabinet C.M. (46) 25th Conclusions Minute 13	18	Farewell and best wishes to Cabinet Mission	1210
539	Pethick-Lawrence to Wavell Letter	18	Refers to Nos. 163, 164 and 186; existing policy on commercial discrimination must stand at least for time being	1211
540	Chiefs of Staff Committee Paper C.O.S. (46) 85 (O)	18	Circulates copy of letter from Monteath to Chiefs of Staff dated 18 March 1946 conveying thanks of Pethick-Lawrence for No. 521 and gist of Ministers' views in No. 524, item 3	1212
541	Draft by India Office	undated	India Office Plan of 'Proposals for a Provisional Constitution'	1213
542	Corfield to Abell Letter	20	Refers to No. 537; feels that all clauses relating to the States should be omitted from Enclosure to No. 403	1229
543	Abell to Corfield Letter	20	Wavell agrees to suggestion in No. 542	1230
544	Menon to Gibson Letter F. 94/3/45-R-II	22	Forwards appreciation of Punjab election results prepared by Election Commissioner, Punjab	1230
545	Wavell to King George VI Letter (extract)	22	Refers to No. 322; law and order situation; violence of some Congress leaders' speeches; morale of Services; elections; R.I.N. mutiny; Delhi Victory celebrations and accompanying disturbances; Govt.'s blunder in not trying most brutal members of I.N.A. first; food situation; failure to form Advisory Food Committee with representation from political parties; break of trade relations with S. Africa; meeting of Chamber of Princes	1232

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I

Government of India, Information and Broadcasting Department to Secretary of State (Extract)

Telegram, L/I/1/758: f 47

IMPORTANT NEW DELHI, *1 August 1945, 2.55 am*
Received: 1 August, 1.35 am

6727. Weekly political appreciation No. 113. Crawley from Bozman. Indian opinion has been non-plussed over the outcome of British General Elections. No political section in India expected a land-slide so overwhelming, the general trend of expectation being in favour of a middle-of-the-way verdict. The despondent memory of Simla Conference has been swept out by sensation created by Labour victory in Britain. All the same there is a tendency in Congress circles to connect the traditional sympathy of British labour with India's aspiration for self-government as a spur to quick action. In 1924 and 1929 the leadership of Ramsay MacDonald had been of a dependent character which the Indian press used to describe as "Labour being in Office but not in power". Now with a 2 to 1 majority, Congress holds that party has no excuse for any delay in implementation of pledges indicated by Socialist movement at large.

Recriminations regarding the failure of Simla Conference have shrunk to the level of an idle squabble but on the whole the suggestion is that with emergence of the Socialist group the thread of negotiation should be resumed by Lord Wavell who had in his concluding speech at Simla looked forward to some way of success being found in spite of temporary setback. What prevails on the whole is a perplexed mood of expectation without a sense of direction.

Over defeat of Mr. Amery there has been much jubilation in Congress quarters. The *Hindustan Times* described the result of the British General elections as "downfall of India's oppressors". The leader of Mahasabha, Doctor Shyam Prasad Mukerjee, remarked, "Amery has been one of the main instruments of the British Government for emasculating of the Indian people and for causing India's political and economic degradation". The Congress President and his colleagues have issued messages of congratulations to the new Prime Minister. In 1924 and 1929 when the Labour Party appeared to be on the ascendant the Rt. Hon. Srinivasa Sastry had counselled political parties in India to cable messages of congratulations to Mr. Ramsay MacDonald and so mobilise British sympathy, but tone of goodwill on the present occasion seems to rest on the discomfiture of Mr. Amery and a lukewarm anticipation of renewed

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negotiations. At the moment nothing is known about the Secretary of State for India in Labour Government but Indian opinion takes it for granted that certain preliminary decisions of policy would follow the suggestions recently made by Lord Listowel[1] in three respects, namely, the release of political prisoners, the removal of ban on Congress and immediate ordering of a General Election. While Congress authorities are more in favour of settlement implying the re-constitution of Central Government and Provincial Ministries by compromise the Moslem Leaguers are all in favour, first and foremost, of a country-wide General Election in order to test the claims of Moslem Congressites.

[1] In a letter to *The Times* published on 23 July.

2

Agenda, Memoranda and Minutes of Governors' Conference, 1–2 August 1945

L/P&J/8/524: ff 123–9, 144–56

AGENDA

1. *Political Situation.*
   (*a*) Future of the Central Government;
   (*b*) Timing of Central elections;
   (*c*) Attitude to possible demands for revival of Ministries in Section 93 Provinces;
   (*d*) Timing of Provincial elections; and
   (*e*) Attitude to pressure for release of political prisoners.
2. *Future of the National Defence Council.*
3. *Economic and Development problems.*[1]
   (*a*) Finance of post-war development. Discussion with Finance Member;
   (*b*) Coal and Cloth; and
   (*c*) Shortage of trained personnel in the Provinces.

MEMORANDUM NO. 1 (*a*)

FUTURE OF THE CENTRAL GOVERNMENT

The possibilities are:—

(1) to form a political Executive Council without the Muslim League;
(2) to carry on with the existing Executive Council; and
(3) to reconstruct the Executive Council on an efficiency basis.

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It appears that (1) would be dangerous in view of the solidarity of the Muslim League and of the evident determination of Congress to assert itself to the greatest possible extent. The Muslim Members in any Executive Council which included active Congress politicians but no representatives of the Muslim League would depend, both in the Legislature and outside it, on Congress support and would be in a very difficult position.

For various reasons it would be difficult to carry on with the present Executive Council.

The Executive Council could with advantage be reduced in size and reconstructed on an efficiency basis. This might be done for a stated minimum period, e.g., of two years, or (if officials and retired officials only were appointed) as a temporary arrangement pending some further move. The disadvantages of appointing a "caretaker" government of officials pending, e.g., an invitation to provincial ministries to submit nominations for a new Executive Council are *first* that the Government could not settle down to constructive work, and the present administrative inefficiency would be prolonged; and *secondly*, that with the Muslim League still unwilling to co-operate, the prospects of any fresh move succeeding would be remote.

It seems therefore that the best course may be to reconstruct the Executive Council on an efficiency basis for a stated minimum period. But it is recognized that this would have no political appeal and that unless the Members could command at least the respect of the Legislature, their position might not be very much better than that of the present Members.

MEMORANDUM NO. 1 (*b*)

TIMING OF CENTRAL ELECTIONS

The attached note[2] deals with the technical aspects of this question.

2. The life of the Council of State must be extended until after the Budget session of 1946, and politically it probably does not matter much whether the Council of State elections are held in the summer or the winter of that year.

3. Elections to the Legislative Assembly could apparently be held before the end of 1945, or in the summer of 1946, or in the winter of 1946.

Elections before the end of 1945 would provide a political diversion and would produce a new and perhaps a better Assembly for the Budget session. But they would involve delay to important legislation, and would presumably be fought in an atmosphere of considerable party and communal bitterness.

Elections in the summer of 1946 would enable most of the pending legislation to be disposed of, but would otherwise have no special advantage, unless

[1] [Note in original:] If time is available. [2] Not printed.

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it is held that by next summer party and communal bitterness will have subsided. Candidates are likely to protest against summer elections on the ground of inconvenience, and sitting Members who wish to stand again may object to them on the additional ground that the Budget session will make it impossible for them to campaign in their constituencies.

Elections in the winter of 1946 would provide no immediate political diversion, but would, on the other hand, avoid an immediate "trial of strength" between the parties and communities.

MEMORANDUM NO. I (*c*)

ATTITUDE TO POSSIBLE DEMANDS FOR REVIVAL OF MINISTRIES IN SECTION 93 PROVINCES

The intentions of the Congress in the Provinces are still unknown. It is presumed that in the Section 93 Provinces other than Bengal, the Congress leaders could produce proof of adequate parliamentary support at any time and could bring strong pressure to bear on the Governors for the formation of ministries. If this happens and if satisfactory assurances are given of support for the war effort and of representation for minorities, the question is whether Governors could refuse to co-operate even though the Muslim League were excluded.

MEMORANDUM NO. I (*d*)

TIMING OF PROVINCIAL ELECTIONS

The timing of Provincial elections would normally rest with Governors who would presumably consult their respective Premiers before taking their decision.

The Governors of Provinces in which Ministries are in office will doubtless know the views of their Ministers about the timing of elections. In the Section 93 Provinces would Governors think it necessary to hold general elections before agreeing to the formation of Ministries, or would they form Ministries first and have the elections afterwards?

The need, if any, for uniformity is also for consideration.

MEMORANDUM NO. I (*e*)

ATTITUDE TO PRESSURE FOR RELEASE OF POLITICAL PRISONERS

Azad's letter of 15th July[3] contains a comprehensive statement of the Congress demands for the release of prisoners, the removal of the ban on Congress organisations, the restoration of Congress property, &c. If the Congress Party does not take office in the Provinces, it seems that most of these demands—

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except those for the removal of the ban on Congress organisations and for the release of the more harmless detenus—will have to be rejected. On the other hand, if Congress Ministries resumed office, most of the demands will be dealt with by the Ministries themselves.

PROCEEDINGS

FIRST MEETING—1ST AUGUST—10 AM

PRESENT:—

The Viceroy.
All Provincial Governors except the Governor of Madras.
Home Member.

IN ATTENDANCE:—Private Secretary to Viceroy acting as Secretary to the Conference.

Item 1—POLITICAL SITUATION.

General Discussion.

THE VICEROY said that the main object of the Conference was to consider the situation arising from the rejection at Simla of the proposals of His Majesty's Government. He wished also to discuss with Governors the future of the National Defence Council, and if there was time, certain economic and development problems. He then reviewed the political situation dealing in turn with the five heads grouped under item 1 in the agenda paper. He pointed out that although these five heads were separate in the sense that a separate decision could be given on each of them, they were in fact inter-connected. He suggested that there should be a general discussion on item 1, after which there should be a more detailed examination of each of the five heads in the light of the opinions expressed by Governors.

1 (*a*) *Future of the Central Government.*

THE GOVERNOR OF BOMBAY said that the effort made at Simla had been well worth while. He would have liked the Plan to go on without Jinnah's co-operation. He realised that the Muslim League was comparatively unimportant in Bombay, but Jinnah was irreconcilable and there must at some time be a "show down" on the Pakistan issue. He thought a political Executive Council much the best thing, but if this was impossible, he was opposed to any reconstruction of the present Council on an efficiency basis. It would be better to go on with the present Council until the elections were over. He admitted that the reputation of the Indian Members of the present Council was not high in Bombay.

[3] Vol. V, No. 614.

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THE GOVERNOR OF BENGAL said there could be no "political" Executive Council without the League. On the whole he was in favour of a reconstruction of the Executive Council on an "efficiency" basis without necessarily reducing the number of Members. He presumed that the Viceroy would include a strong official element.

THE GOVERNOR OF THE UNITED PROVINCES said he thought reconstruction on an "efficiency" basis would be politically unpopular and should not be attempted.

THE GOVERNOR OF THE PUNJAB agreed with the Governor of the United Provinces. He said that a reconstruction would arouse suspicion and criticism.

1 (*b*) *Timing of Central Elections.*

THE GOVERNOR OF BOMBAY said that Assembly elections could be held within two or three months of the receipt of orders by his Government. He was not afraid of Central elections. They could not be held during the monsoon months; it would be quite possible to hold them before the end of 1945.

THE GOVERNOR OF BENGAL said that Central elections were essential. Taken with Provincial elections, they were the only way of testing Jinnah's position. They must be co-ordinated with provincial elections. In Bengal the Central elections should take place in November 1945; otherwise the programme for provincial elections would be dislocated. The provincial rolls would be ready by 15th December 1945 and the Central elections must be out of the way before then. He realised the inconvenience caused by the abandonment of pending Central legislation, but he thought the political aspect of the matter was much more important. Elections during the months June to October inclusive would be quite impossible.

THE GOVERNOR OF THE UNITED PROVINCES said he favoured Central elections as soon as possible—say in October–November 1945.

THE GOVERNOR OF THE PUNJAB said the main issue for his Province was Pakistan. He was against Central elections until a determined attempt had been made to clear up the Pakistan issue. He thought the Viceroy should call a Central Conference at which the economic and other consequences of Pakistan should be clearly brought out. Unless the Muslim League could be steered away from the crude version of Pakistan, there would be civil war in the Punjab; and immediate Central elections might consolidate the Muslim League position. He suggested that an adequate reason for convening the proposed Conference was to be found in post-war planning: it could scarcely be denied that plans for post-war development could not proceed satisfactorily until we had a clear idea whether there would be one All-India Centre or a variety of independent centres.

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THE GOVERNOR OF THE UNITED PROVINCES remarked at this point that Chowdhry Khaliq-uz-Zaman, one of the Muslim League leaders in the United Provinces, had just read Volume III of Coupland's book[4] on the Indian Problem. He was prepared to accept the regional system advocated by Coupland or something like it provided Defence and External Affairs were reserved to His Majesty's Government.

THE GOVERNOR OF THE PUNJAB resuming said in reply to a question by the VICEROY that the Conference he suggested would consist of one representative of each major party or interest, e.g., Congress, the League, the Scheduled Castes, the Sikhs, and possibly the Hindu Mahasabha. He realised that the League would probably refuse to send a representative, but he thought that until the absurdity of the crude form of Pakistan was exposed, the Punjab Muslims would vote simply on what appeared to them to be a religious issue. He and his Ministers did not want Central elections before September or October 1946.

1 (*c*) *Attitude to possible demands for revival of Ministries in Section 93 Provinces.*

THE GOVERNOR OF BOMBAY said he would welcome a Ministry given a guarantee of support for the war effort. He thought this guarantee would be forthcoming as Bombay had made and was making much money out of the war. His former Premier (Kher) would co-operate if the Congress High Command let him. A Ministry was really needed to put through social and housing measures, and if it were proper for a Governor to make an approach to the Congress Party, he would be quite ready to do so. But it was really for the leading politicians to take their own line and everything depended on the attitude of the High Command. The old Bombay Ministry did not include a representative of the Muslim League but only one non-League Muslim. Nor did it represent the other minor parties. It was recognised in Bombay that any ministry would be dominated by Congress and he did not see that the appointment of a Congress Ministry would cause serious communal trouble.

On a point raised by the Governor of Sind about the inclusion of minorities in Provincial Ministries, the VICEROY read out paragraph VII of the Instrument of Instructions to Governors.[5] This makes it clear that a Governor

[4] Sir R. Coupland, *A Report on the Constitutional Problem in India* (London, Oxford University Press, 1943). Part III, *The Future of India*, pp. 164–6.

[5] Paragraph VII of the *Instrument of Instructions to Governors* (*1936*) read: 'In making appointments to his Council of Ministers Our Governor shall use his best endeavours to select his Ministers in the following manner, that is to say, to appoint in consultation with the person who in his judgment is most likely to command a stable majority in the Legislature those persons (including so far as practicable members of important minority communities) who will best be in a position collectively to command the confidence of the Legislature. In so acting, he shall bear constantly in mind the need for fostering a sense of joint responsibility among his Ministers.' *Parl. Papers*, H. of C. paper No. 1, vol. xx, 1936–7, pp. 1031–8.

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is not required to include in a provincial Ministry representatives of minority parties. He is required to arrange for the inclusion so far as practicable of members of important minority communities. But the Ministry must collectively command the confidence of the Legislature, and the Governor must bear constantly in mind the need for fostering a sense of joint responsibility among his Ministers.

THE GOVERNOR OF BENGAL said that in the present conditions in Bengal he was not in favour of a new Ministry until elections had been held. He had no doubt that by party combination a Ministry of a kind could be formed, but it would not be a satisfactory one. He would like elections held first.

THE GOVERNOR OF BOMBAY said that although he was very ready to accept a ministry before provincial elections were held and would prefer this course, he was quite prepared to hold elections under the Section 93 Administration if this suited the general situation better.

THE GOVERNOR OF THE UNITED PROVINCES thought it improbable that the Congress would wish to resume office in the United Provinces. The Congress Ministry had resigned in 1939 on the War issue, but in fact they had reduced the United Provinces to something like civil war. The Khaksars had entered the United Provinces in large numbers and caused disturbances to show their hostility to the Congress Ministry which was predominantly Hindu. He thought there would be further trouble if the Muslim League was not represented in a new Ministry and Chowdhry Khaliq-uz-Zaman had told him that if at the next provincial elections the League captured 90% of the Muslim seats, they would expect representation. But he did not see how a Governor could refuse to form a ministry if pressed to do so on adequate grounds whether the Muslim League were included or not. He felt that if possible provincial elections must be held before ministries were formed.

THE GOVERNOR OF THE PUNJAB, which is not under Section 93 administration, made no observations under this head.

1 (*d*) *Timing of Provincial Elections.*

THE GOVERNOR OF BOMBAY said that he would prefer a ministry to take office first, but would hold his elections before agreeing to form a ministry if this were necessary for the sake of uniformity. The provincial electoral rolls would be in order until October 1946, and the elections could be held at any convenient time before then.

THE GOVERNOR OF BENGAL said that the provincial elections must not clash with the Central elections. His provincial rolls would be ready by 15th December 1945 and the elections could probably be completed by 15th April. He proposed to follow that programme.

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THE GOVERNOR OF THE UNITED PROVINCES said that provincial elections should be held as soon as possible. In the United Provinces he thought elections could be completed by March–April 1946.

THE GOVERNOR OF THE PUNJAB said his Ministers favoured provincial elections in the autumn of 1946. The GOVERNOR OF BENGAL remarked that his Muslim League leaders had made it clear to him that they hoped that the Punjab elections would not take place for at least six months after the Central elections and the elections in the other Provinces. He thought their intention was to concentrate their fire on the Punjab and they felt they could do this most effectively if they were not preoccupied elsewhere.

1 (*e*) *Attitude to pressure for release of political prisoners and Azad's letter.*

THE GOVERNOR OF BOMBAY was in favour of removing the ban on Congress organisations. He thought that a Ministry would decide the other issues raised by Azad. There was no great problem in Bombay, and if a Ministry did not return to power, his Government would have no particular difficulty in dealing with the problem. The numbers of political prisoners were small but the cases remaining were mostly violent and he would deprecate a change in the present policy of gradual release.

THE GOVERNOR OF BENGAL was also for the removal of the ban on Congress organisations. He said that the problem of political prisoners was far more difficult in Bengal than elsewhere. The number of "pure" Congress detenus was now negligible. The remaining prisoners were largely terrorists and Fifth Column people who were really dangerous and some of whom were already trying to organise revolutionary activities from inside the jails. He had gone as far as he could in releases and did not want to move faster. He said that 99% of the detenus were Hindus.

THE GOVERNOR OF THE UNITED PROVINCES said that the ban on Congress organisations should be removed. Nearly all the remaining political detenus were dangerous—there had been many releases during the last month or so. If the Section 93 regime continued, he was not in favour of more rapid releases. He was entirely opposed to any release of convicts—most of the political convicts had been convicted of dacoity with murder. If a Ministry took office, he would have to oppose the indiscriminate release of convicts and hoped that the Ministers would see reason.

THE GOVERNOR OF THE PUNJAB said his Government had few political prisoners left. His Ministers would continue the policy of gradual releases. He was in favour of removing the ban on Congress organisations.

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SECOND MEETING—1ST AUGUST—3.15 PM

PRESENT:—

The Viceroy.
All Provincial Governors.
Home Member.

IN ATTENDANCE:—

Private Secretary to Viceroy as Secretary to the Conference.

The morning's discussion was resumed.

1 (*a*) *Future of the Central Government.*

THE GOVERNOR OF BIHAR said he was opposed to a reconstruction of the Executive Council on an "efficiency" basis. He thought the Pakistan issue must be squarely faced by His Majesty's Government. In its crude form Pakistan could not, in his opinion, be accepted and His Majesty's Government should be asked to say so if this was the opinion of all the Governors. He thought general elections should be held for the Centre and in the Provinces. If Jinnah proved his claim, he should be given what he wanted in the interim Executive Council. If he failed to prove his claim and refused to come in on the share offered, His Majesty's Government would be justified in going ahead without him. It might be announced now that a new Executive Council would be formed on the basis of the elections.

THE GOVERNOR OF THE CENTRAL PROVINCES said he was against a reconstruction of the Executive Council on an "efficiency" basis. He agreed that a determined attempt should be made to settle the Pakistan issue one way or the other. A Royal Commission on the subject was a possibility.

THE VICEROY explained at this point that what he had in mind was not necessarily an official Executive Council but an Executive Council perhaps rather smaller than at present but still with a non-official majority.

THE GOVERNOR OF MADRAS said that Jinnah's bluff should be called. The alternatives were for the Viceroy to carry on with the present Executive Council or to form a completely Indianized Council with the Muslim Members taken, as far as possible, from outside the League and the Congress. He was opposed to a reconstruction of the Executive Council on an "efficiency" basis. If the Viceroy could go ahead without the League, the Muslims should of course get the representation originally intended for them.

THE GOVERNOR OF THE NORTH-WEST FRONTIER PROVINCE said that the Simla Conference had resulted in better feeling all round. The initiative should not be lost. No change should be made in the Executive Council except on the lines contemplated at the Simla Conference. The Viceroy might of

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course make individual changes on personal grounds. He was opposed to advance without the League. At present the N.-W.F.P. Muslims did not think Jinnah was justified in rejecting His Majesty's Government's proposals. But if the Muslim League were now disregarded, the Muslims would rally to Jinnah and the League would be strengthened. He doubted if the N.-W.F.P. Muslims really believed in Pakistan—they had not considered what it meant. If the Muslim League were seriously antagonised, they could make trouble on Islamic questions in the Middle East. The only possible move now was to restore ministries in the Section 93 Provinces. If this were done, the Muslim League might be more inclined to come into the Executive Council, for they would begin to fear that they might be left behind.

THE GOVERNOR OF ORISSA said he agreed that there was at present much goodwill and that it was essential to avoid giving the impression that we were drifting back into a complete deadlock. We must keep the initiative, and as we obviously could not go ahead without the Muslim League, there must be elections both at the Centre and in the Provinces. Only minor changes should be made in the present Executive Council. In announcing the elections he would expose no surface and would not suggest that Members of Council should be taken from the Legislature or anything of that kind.

THE GOVERNOR OF SIND said that no move was possible without the support of the Muslim League. He would carry on with the existing Executive Council with perhaps some changes of individuals but without any guarantee of a fixed term. He thought a bond should be established between the Central Assembly and the Executive Council and that some of the Members of Council should be chosen from among the new Members of the Assembly after elections. A Council including men of this kind might even attempt a solution of the long term problem. It might be advisable after elections to form a fairly large Constituent Assembly. It would admittedly get very little done, but it would keep the politicians busy and its discussions might clear the air.

THE GOVERNOR OF ASSAM said that he agreed with other Governors that His Majesty's Government must now face the Pakistan issue. He would not set up a large Constituent Assembly but it might be useful to set up a smaller body, possibly including a minority of both British and American Members. He did not think any advance could be made at the Centre without the support of the Muslim League, and he was not in favour of a reconstruction of the Executive Council on an "efficiency" basis. He was much in favour of the proposal for the appointment of a United Kingdom High Commissioner.

1 (*b*) *Timing of Central Elections.*

THE GOVERNOR OF BIHAR said that elections to the Assemblies, Central and Provincial, should be held as soon as possible. They would be the real test

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of Jinnah's claim. In Bihar the earliest possible date for Central Assembly elections was the last week in October.

THE GOVERNOR OF THE CENTRAL PROVINCES said that his Government could arrange elections for the Assembly at any time from October onwards. Elections could not be held during the summer. He thought elections for the Assembly should be held as soon as possible though in some ways it might be better if the provincial elections could come first. The result of the Central elections if favourable to the League might stimulate communal and party feeling, and make the provincial elections difficult.

THE GOVERNOR OF MADRAS said that Central elections should be held as soon as possible. His rolls would be ready on 25th September and his elections could be held within three months, say in December.

THE GOVERNOR OF THE NORTH-WEST FRONTIER PROVINCE said he favoured very early elections, but was inclined to think that it would be best to form Ministries in the Section 93 Provinces before the elections were held. If this were done, it might be possible to form a "political" Executive Council before the Central elections. In the North-West Frontier Province Central elections could be held by 15th October if necessary.

THE GOVERNOR OF ORISSA thought that Central elections should be held as soon as possible. In Orissa they could be held without difficulty this autumn.

THE GOVERNOR OF SIND also favoured Central elections as soon as possible. He said he thought Jinnah would certainly prove his case though the proof would mean very little. Nearly all Muslim candidates in Sind would take the League ticket in order to avoid molestation from the League and from the Ministers now in office. Whether after the elections the candidates who had succeeded on the League ticket would really support the League was another matter.

THE GOVERNOR OF ASSAM said he was in favour of early elections. In Assam they would have to be held with the old rolls. He thought that as far as possible the Central elections should be simultaneous in all the Provinces.

1 (*c*) *Attitude to possible demands for revival of Ministries in Section 93 Provinces.*

THE GOVERNOR OF BIHAR said he thought Governors should wait for a move by the politicians and not take the initiative. He questioned whether a Provincial Governor could under the Constitution demand a guarantee to support the war effort, but he might insist on one not to obstruct it. He would try for a Coalition Ministry if possible, but would also try to get rid of the

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Parliamentary Secretaries who had been at the bottom of much of the trouble with the former Congress Governments.

THE VICEROY said he would regard a guarantee of support as essential.

THE GOVERNOR OF THE CENTRAL PROVINCES said that the Congress could return to office at any time if they wished and that the Governor could not stop them. For some purposes he would welcome the return of a Ministry, e.g., on social questions and the planning of post-war development. There would be no question of a coalition in the Central Provinces where the Congress had a large majority and the Muslim League did not really count. He emphasised that if Ministries returned to office before there was any change in the Executive Council, the Congress would remain an Opposition Party; they would always regard themselves as opposed to the Central Government whatever their position in the Provinces.

THE GOVERNOR OF MADRAS said that the approach for the formation of Ministries must come from the politicians. In Madras Rajagopalachari was in an uncertain position and it could not be assumed that he would be able to form a stable government. It was doubtful if other Congress politicians would be willing or able to take the lead.

THE GOVERNOR OF THE NORTH-WEST FRONTIER PROVINCE said that Ministries must be started as quickly as possible in the Section 93 Provinces as this was the only possible immediate step. His Premier was of this opinion and thought the Congress Party would co-operate. Without popular ministries it was obviously impossible to deal properly with long-term problems such as planning for post-war development.

THE GOVERNOR OF ORISSA said that the Orissa politicians would like to take office again. But at the moment the Congress leaders had been dealing with various renegades and could not yet produce proof of adequate parliamentary support. The orders of the High Command would certainly prevail. The politicians should be left to take the initiative. In Orissa there was no serious minority issue and the Congress Ministry had given no representation to the Muslims.

THE GOVERNOR OF SIND said he had no comments as he was not directly concerned, but he was not sure what was meant by "Coalition Government". In Sind there was no coalition as his Muslim League Ministers and Hindu Ministers went their separate ways. He presumed that the position would be the same in other Provinces and that there would be no composite governments pledged to follow a common policy.

THE GOVERNOR OF ASSAM said that elections should precede the formation of Ministries and that until then the approach should be made by the politicians and not by the Governor.

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1 (*d*) *Timing of Provincial Elections.*

THE GOVERNOR OF BIHAR said that provincial elections should be held as soon as possible. Like the Central elections, they would test Jinnah's claim. He could hold elections within three months from the date of the initial notification, but would prefer to have 3½ months at his disposal. It would be quite convenient for him to hold elections any time after 1st January 1946.

THE GOVERNOR OF THE CENTRAL PROVINCES said that provincial elections should be held as soon as possible; any time in February or March would suit him, but not the summer.

THE GOVERNOR OF MADRAS said that provincial elections should be held as soon as possible, but he could not hold his before February/March 1946.

THE GOVERNOR OF THE NORTH-WEST FRONTIER PROVINCE said that he could hold provincial elections at any time. His time-table would take only about two months. He would prefer elections to take place after ministries had been formed in the Section 93 Provinces.

THE GOVERNOR OF ORISSA said that in theory he would prefer not to hold elections until he had some assurance that the majority party would be likely to take office. But in present circumstances he thought there should be a uniform policy in the Section 93 Provinces. The provincial elections should follow, and not precede, the Central Assembly elections. The aim should be to bring ministries into office in April so that there might be the minimum interference with the Budget arrangements. The Governor's Budget framed under the Section 93 Administration, would hold good until a Ministry could alter it, and the alterations could be made early in the financial year and for the whole financial year.

THE GOVERNOR OF SIND favoured provincial elections as soon as possible. He said the Muslim League would capture all the seats. He felt that the key to the Pakistan problem was the Punjab. But he could not agree with the Governor of the Punjab that a Committee on the Pakistan issue would do any good. It had been suggested that we should call Jinnah's bluff, but Jinnah was not bluffing. He thought that the provincial elections should be held simultaneously if possible in all Provinces. In Sind (where the Government in power is virtually bound to win elections) provincial elections could be held almost at once or in 1946 if the present rolls were used. If the revision of the rolls, which his Ministry had just put in hand, took its normal course, elections could not be held till 1947. He was, however, quite prepared to go ahead on the present rolls.

THE GOVERNOR OF ASSAM favoured provincial elections as soon as possible.

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1 (*e*) *Pressure for release of political prisoners, and Azad's letter.*

THE GOVERNOR OF BIHAR said he would remove the ban on Congress organisations, including the Congress Socialist Party, if the latter did not involve release of Congress Socialist Party detenus. He had 99 really bad detenus and 479 persons who had been convicted of crimes of violence in connection with the 1942 disturbances. He had 59 non-violent convicts who had been sent to jail in connection with these disturbances, and there were 215 other political convicts. He was not in favour of releasing dangerous detenus or interfering with the sentences of convicted prisoners. If a Ministry returned to office he would need guidance as to the extent to which he could resist demands for undesirable releases.

THE GOVERNOR OF THE CENTRAL PROVINCES said he would remove the ban on Congress organisations but after 9th August, for which date certain Congress demonstrations had been planned. He had no serious difficulty about detenus, but he had 287 violent convicts and was not prepared to release them. There were some pending death sentences which would probably have to be commuted owing to delay. If they were commuted, a Ministry would almost certainly wish to release the prisoners. If Section 93 continued, he would prefer to pursue the present policy.

THE GOVERNOR OF MADRAS said he would remove the ban on Congress organisations. Convicted prisoners ought to stay in jail. He had only 51 detenus left, nearly all of them dangerous, and he was not prepared to release them.

THE GOVERNOR OF THE NORTH-WEST FRONTIER PROVINCE said he had no political prisoners. He said that on past experience he would advise strongly in favour of Government taking the initiative for releases. The Governors of Section 93 Provinces should release as many prisoners as possible and not leave it to Ministries to take the credit for clemency.

THE GOVERNOR OF ORISSA said the ban on Congress organisations should be removed. Orissa had no serious difficulty about prisoners.

THE GOVERNOR OF SIND said he had only 4 or 5 political prisoners and no serious problem. He pointed out that convicts were entirely in the ministerial field unless the action of a Ministry was so blatant that the Governor's special responsibility was attracted.

THE GOVERNOR OF ASSAM said he had no serious problem. He thought the ban on Congress organisations should be removed. He saw no point in a bargain about detenus and convicts at the present juncture. Other Governors had not mentioned restrictions, which were mentioned in Azad's letter. He

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thought such restrictions on personal movement, &c., as remained in Assam could, if necessary, be abolished without grave risk. He was against the release of violent convicts. He thought that death sentences 3 years old would be difficult to carry out.

Miscellaneous Points.

THE GOVERNOR OF BENGAL circulated a memorandum[6] on Budget procedure when a Ministry takes charge from a Section 93 Administration. It was agreed that this should be discussed on 2nd August.

THE VICEROY summed up the day's discussion as under:—

1 (*a*) Governors were generally agreed that a "political" Executive Council could not be formed without the League. They were also almost unanimously of opinion that the present Council should carry on with such changes of individual Members as the Viceroy might consider necessary, but should not be radically reconstructed. Some Governors had suggested that an announcement should be made that a fresh attempt would be made to form a "political" Executive Council at the Centre after elections. He was not himself inclined to expose surface in this way.

1 (*b*) There was general agreement that elections to the Central Assembly should be held as soon as possible—perhaps in October/November 1945. It was recognised that elections to the Council of State could not take place until next year in view of the state of the electoral rolls.

1 (*c*) There was general agreement that the Governors could not resist demands for the formation of Ministries in the Section 93 Provinces if there was proof of adequate parliamentary backing and a guarantee of support for the war effort. It was generally held that the approach should be made by the parties to the Governors and not by the Governors to the parties.

1 (*d*) Governors were generally agreed that Provincial elections should be held as soon as possible, and a majority of them seemed to think that they should be held simultaneously or nearly so. With some exceptions, Governors thought Provincial elections should be held before Ministries were formed.

In reply to the GOVERNOR OF ASSAM, the VICEROY said that he did not contemplate an amendment of the law so as to compel the dissolution of Provincial Legislatures. The decision to dissolve them would therefore rest with Governors in their discretion.

1 (*e*) It seemed that there would be no great difficulty about the removal of the ban on Congress organisations with the possible exception of the Forward Bloc, about which the Home Member said there was some doubt. Governors were in favour of maintaining the present policy for the release of political

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prisoners and detenus unless Ministries came into office, in the Section 93 Provinces, in which case these matters would be largely for the Ministries.

THE VICEROY added that if the Governors' views were accepted there would certainly be a loss of efficiency, and delays in planning for development. In the Provinces the elections would take up a great deal of the time of the officials, and at the Centre it would be difficult to get the Executive Council to take decisions on big issues. He recognised that this might be inevitable. At the same time he felt that we should, if possible, have in our minds something beyond a vague idea that after the elections Jinnah might be in a better frame of mind. It was unlikely that Jinnah would co-operate except on his own terms. Moreover, there was a strong chance that even after Provincial elections the Congress would refuse to take office. If so, we should have caused additional trouble and communal ill-feeling, and accomplished very little by the end of next winter.

Some Governors had suggested that the Pakistan issue must be faced. One idea was that there might be a conference of Provincial representatives. Another was that there might be a Commission on which possibly there might be foreign as well as British members. There were precedents for entirely foreign Commissions in matters of this kind. He doubted if any of these expedients would succeed. A foreign Commission would almost certainly not be acceptable to His Majesty's Government and it was improbable that it would be acceptable to India.

THE VICEROY finally said that he would consider the discussion and possibly give a more definite opinion on it at the next meeting.

Item 2—FUTURE OF THE NATIONAL DEFENCE COUNCIL.

THE VICEROY explained that if Ministries resumed office in the Provinces, there might, in his opinion, be some advantage in replacing or supplementing the National Defence Council by a Council of a new kind. If the Provincial Premiers and four or five ministers from the States agreed to serve, there would be a fairly compact body which could consider and advise on war problems (e.g., coal, cloth, and food) like the present National Defence Council, and could also deal with post-war development. It could be consulted on big problems on which co-operation between the Centre and the Provinces is essential, e.g., the Educational Report, Road Development, Industrial Planning, Agricultural Planning, and the Bhore Committee's Report. It would be a purely advisory body, but if a "political" Executive Council were out of the question, Provincial Premiers might feel that through it they were assisting in framing Central policy on matters of general importance. The Viceroy asked Governors to think this matter over with a view to discussion at the next meeting.

[6] Printed on p. 18.

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MEMORANDUM

BUDGET

In Provinces at present under Section 93, expenditure is authorised by a "Budget" sanctioned by the Governor in his discretion.

If a Ministry comes into power, this authorisation ceases to be valid; the Ministry must obtain voted supply for anything they spend.

They may incur expenditure in anticipation of sanction by the Legislature—and Audit will allow this—but they must get their Grants passed by the Legislature.

It is impossible to close the accounts on the day before the Ministry assume office (unless it be 31st March); therefore nobody can say how much money the Governor has spent and how much the Ministers must get authority to spend.

Therefore, before the end of the year in which they assume office, the Ministry must get a budget passed for that year even if it be only a rough one, despite the previous authorisation by the Governor for the whole year.

The shortest time in which they can do this—even if they get the utmost co-operation of the Speaker and the Assembly in adopting short cuts, is 26 days; without this co-operation it may take two attempts—because the Speaker may rule that the form in which their budget is originally presented is incorrect.

If, therefore, a Ministry assumes office before 1st April 1946 it must, during this year, pass one budget (for 1945–46) and should pass two (i.e., including also one for 1946–47).

The remedy is that the Governor's authorisation made under Section 93 conditions should be valid for the whole year unless he otherwise determines. This needs an amendment of the Act.

THIRD MEETING—2ND AUGUST—10 AM

PRESENT:—

The Viceroy.
All Provincial Governors.
Home Member.

IN ATTENDANCE:—Private Secretary to the Viceroy acting as Secretary to the Conference.

Item 1—POLITICAL SITUATION.

THE VICEROY referred to his concluding remarks on this item at the second meeting and said he thought it would be useful if he gave a rather fuller summary of the conclusions reached on item 1 of the agenda.

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It was generally agreed at the first and second meetings that we should endeavour to retain the initiative and to divert political energy into legitimate channels.

With one exception (THE GOVERNOR OF BENGAL) Governors felt that there should be no change in the Executive Council unless it could be converted into a "political" body on the lines of the Simla Proposals. The Viceroy might make minor changes on personal grounds, but Governors were not in favour of any radical reconstruction on an "efficiency" basis as they thought this would be retrograde and politically unwise.

THE GOVERNOR OF BENGAL remarked that he was not specially wedded to the view attributed to him.

THE VICEROY resuming his statement said that the Governors generally were not in favour of active steps to promote the formation of Ministries in the Section 93 Provinces. They were agreed that if a Party Leader approached a Governor in one of these Provinces and could prove that he had adequate parliamentary backing, and undertook to support the war effort, the Governor would have to agree to his forming a Ministry.

On the other hand all Governors except the GOVERNOR OF THE PUNJAB, where conditions were perhaps special, favoured early elections to the Central Assembly; all Governors in Section 93 Provinces favoured early Provincial elections; and all or nearly all of them thought that these elections should be held before Ministries were formed. The Governors of the Provinces not under Section 93—the Punjab again excepted—also felt early elections desirable.

It was generally recognized that Central and Provincial elections by themselves did not amount to a policy. Elections involved a great deal of work and months of suspense which would interfere with efficient administration. If after elections had been held nothing happened at the Centre or in the Provinces, we should be where we were with several months wasted.

Various suggestions had been made to get over this difficulty.

(1) THE GOVERNOR OF THE NORTH-WEST FRONTIER PROVINCE had suggested that if Ministries could be formed in the Section 93 Provinces before elections were held, the Muslim League might co-operate in a "political" Executive Council at the Centre. The Viceroy himself could see no hope of this. He was clear that so far as Jinnah was concerned the Simla proposals would not be accepted on any terms acceptable to His Majesty's Government.

(2) Other Governors, e.g., those of BOMBAY and MADRAS, thought the Viceroy might go ahead with the Simla proposals without the League. The meeting as a whole did not accept this view and the Viceroy thought that an Executive Council of Congress politicians with Muslim Members who would be largely dummies would be most dangerous.

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(3) There was some support for the view that the Executive Council should be linked with the Central Legislature, or at least with the results of the Central and Provincial elections. He thought this dangerous for two reasons. *First*, under the present Constitution there was absolute freedom of choice on the part of the Viceroy and the Secretary of State. The Coalition Government at home had attached much importance to this freedom of choice, and he would be reluctant, in present political conditions in India, to commit himself to select colleagues on any pre-arranged basis or to give Jinnah any undertaking dependent on the result of the elections. *Secondly*, Gandhi and the Congress, for obvious reasons, would like to establish the responsibility of the Executive Council to the present Legislature which must have a Hindu majority. This idea was intensely disliked by the Muslims and he was not in favour of any concession which would encourage it. A link with the Legislature or with the elections might be regarded by the Congress as a first step to responsibility at the Centre. He added that policy in this matter would of course be for His Majesty's Government to decide and he had no idea what view the new Secretary of State, whose appointment had not yet been announced, and his colleagues would be likely to take.

(4) Several Governors had suggested a critical examination of Pakistan. THE GOVERNOR OF THE PUNJAB favoured a conference of Indian politicians. THE GOVERNOR OF SIND had suggested a Constituent Assembly. THE GOVERNOR OFASSAM had suggested a Commission including British and perhaps American members. THE VICEROY himself had mentioned the possibility of an entirely foreign Commission. The idea underlying these suggestions was that we must maintain pressure for a long term solution and that Pakistan must now be brought into the open and dealt with once and for all. The difficulty he saw here was that Jinnah would demand self-determination for the Muslims, and a public declaration of it before attending, or permitting his followers to attend and take part in, any meeting or discussion.

(5) Some Governors thought that the Pakistan issue might be clarified by a further declaration by His Majesty's Government. Such a declaration might scotch the whole idea or make it clear that there would be no partition of India on a purely Muslim vote. He was inclined to think that a declaration of this kind would precipitate a crisis without helping us much.

THE VICEROY said that we were thus left with the elections and little more. If any of the Governors had any comments on this summing up, he would be glad to have them.

THE GOVERNOR OF BOMBAY said he hoped the impression would not be given that we were reluctant to see Ministries re-established in the Section 93 Provinces. He thought this should be made plain, possibly in a statement by

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the Viceroy. He himself was in favour of the re-establishment of ministries before the provincial elections, though he would accept the general view in this matter.

THE GOVERNOR OF MADRAS said he thought there was no hope of ministries until there was a settlement at the Centre.

THE GOVERNOR OF ASSAM pointed out that Gandhi had been willing for Congress to take office in Assam.

THE GOVERNOR OF SIND said that Gandhi was quite ready to oppose the Muslim League where there were Muslim League Ministries. He had been told, though there was no confirmation, that the Sind Hindus at present supporting the Ministry had been instructed to overthrow it if they could. Congress manœuvres in ministerial provinces were one thing; their attitude in Section 93 Provinces was another.

THE GOVERNOR OF BENGAL suggested that as a long term policy the Cripps Offer should be restated. Some modifications in it might be necessary, e.g., to make it clear that His Majesty's Government would not agree to a purely Muslim plebiscite, but he felt that nothing much better than the Cripps Offer could be devised. He knew that Jinnah was hostile, but Jinnah would eventually disappear and then something might be done.

THE VICEROY said that Jinnah certainly would not co-operate in a Constituent Assembly of the kind mentioned in the Cripps Offer and had said so very clearly. Although the Offer was still open, there was no evident enthusiasm for it and he was not sure that a formal restatement of it would be of much use.

THE GOVERNOR OF THE UNITED PROVINCES referred to a report of a speech by Sir Stafford Cripps on 16th July[7] and said that it might be wise to attempt to form a Constituent Assembly.

THE GOVERNOR OF BENGAL said that a high level fact finding body might be useful. In Bengal nobody really knew the facts about the racial composition

[7] In a statement issued on 14 July (and published in the press on 16 July) Sir S. Cripps expressed the view that the obvious cause of the breakdown of the Simla Conference was 'not so much the constitution of the interim Government as the influence any temporary arrangements were likely to have upon the more permanent decisions which would have to be made for the full and free self-government of India.' He therefore felt that H.M.G. should decide to 'skip' temporary reconstruction of the central government and go straight ahead with the permanent solution. He recommended that new elections should be held immediately and that as soon as they were completed a constituent assembly should be set up either on the basis of the Cripps Offer or any other basis which could be agreed by the major parties. Sir S. Cripps hoped 'that some compromise solution of the Pakistan issue could be arrived at in the constituent assembly, but, if not, there must be a clear decision beforehand that those provinces in which there was a Muslim majority would not be forced against their will into a united India under a constitution of which they did not approve'.

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of the population, and a fact finding body composed entirely of foreigners might produce the data essential to a Constituent Assembly.

THE VICEROY said this suggestion was worth considering, but he doubted if a satisfactory body could be appointed and any such body might be boycotted by large sections of Indians. He thought that in present conditions a Constituent Assembly would accomplish nothing.

THE GOVERNOR OF THE UNITED PROVINCES said we had better wait until Indians themselves asked for a fact finding body.

THE GOVERNOR OF ASSAM thought it inconceivable that His Majesty's Government would be a party to a partition on a purely Muslim vote or the separation against its will of any substantial area which wanted to remain with India. A statement even by an individual Minister in the U.K. making this quite clear might have good effect.

THE GOVERNOR OF THE PUNJAB said he doubted if the Muslims really expected an entirely Muslim plebiscite. He thought the Cripps Offer required clarification. The use of the term "provinces" was not clear, and it ought to be made clear that no considerable area would be separated from the rest of India without the consent of the majority of all its inhabitants. The formula should refer to "contiguous areas" or something of that kind.

THE GOVERNOR OF SIND said that large contiguous areas were made up of small areas, and a clarification on the lines suggested would not be easy.

THE GOVERNOR OF THE PUNJAB said that if some more concrete phrase was considered necessary an appropriate expression might be "a large contiguous area of the size of not less than a Division". He must repeat that the hollowness of Pakistan in its crude form should be exposed before provincial elections were held. If Jinnah won the elections, the Muslims would regard themselves as committed to Pakistan though none of them knew what it meant.

THE GOVERNOR OF BENGAL said that the GOVERNORS OF MADRAS, BIHAR, AND THE NORTH-WEST FRONTIER PROVINCE seemed to think that their Muslims had no convictions about Pakistan. If this were correct, it was an important fact.

THE GOVERNOR OF THE PUNJAB said that his Muslims would be against Pakistan if they really understood what it meant.

THE GOVERNOR OF BENGAL said that none of his leading men could explain what Pakistan meant. In the last resort they always fell back on Jinnah, e.g., they said that Jinnah was satisfied that Pakistan was economically sound, therefore it must be so. He doubted if Jinnah had any real successor and without

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him the Pakistan idea might go to pieces. He thought time was an important factor and it was for this reason he favoured a restatement of the Cripps Offer which might lead to discussions lasting for perhaps two or three years.

THE GOVERNOR OF BIHAR pointed out that if it was decided to hold provincial elections in the Section 93 Provinces, the former Ministers might wish to get back to power before the elections were held.

2. THE VICEROY then said that he thought it would be best to go over the five heads in item 1 of the agenda individually so that Governors might be clear about the recommendations of the meeting.

1 (*a*) *Future of Central Government.*

THE VICEROY felt that his memorandum on this subject was unduly compressed. The alternatives he had intended to put forward were *first*, a reconstruction on an "efficiency" basis retaining a non-official majority with a term of perhaps two years; or *secondly*, the appointment of a "caretaker" Government of officials pending a political reconstruction. He thought the first alternative preferable to the second. He doubted if Governors realised the difficulties of the present Executive Council. They were unable to get their proposals considered on the merits by the Legislature and were subjected to constant abuse and ridicule. He agreed that a reconstruction of the kind he himself preferred would not be popular, but it would in some ways be welcomed by the Legislature and even by the political parties. He must take his own decision about this. He had thought it right to consult Governors, but the responsibility was entirely his.

1 (*b*) *Timing of Central Elections.*

The meeting clearly recommended that Central elections should be held as soon as possible. He understood that in all Provinces, if orders were issued by the middle of August, these elections would be completed by the end of December at the latest. The proceedings in the Provinces should be synchronized as far as possible.

The Governors agreed that Central elections could be held as proposed.

1 (*c*) *Attitude to restoration of Provincial Ministries, and*
1 (*d*) *Provincial Elections.*

If it were accepted that provincial elections must precede the formation of Ministries in the Section 93 Provinces—and this seemed to be the sense of the meeting—it seemed proper that Governors should make no move to promote the formation of Ministries before the elections. He presumed that a Governor in a Section 93 Province was under no obligation to recommend the cancellation of his Proclamation until he was satisfied that this was on

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all grounds the proper course. It might be possible to take the line that in the Section 93 Provinces provincial elections would be held as a preliminary to the formation of Ministries; if so, an announcement to this effect might be made at an early date.

THE GOVERNOR OF ORISSA was opposed to an announcement of this kind. He thought it might be said that we were trying to keep Ministries out of office now and hoped that the Congress would lose ground at the elections.

THE VICEROY said that the practical question in the Section 93 Provinces was what the attitude of Governors should be if provincial elections were announced now and the Party Leaders then said that they were prepared to form Ministries forthwith.

THE GOVERNORS OF BOMBAY, THE CENTRAL PROVINCES, THE UNITED PROVINCES, BIHAR AND ORISSA said that in the circumstances contemplated they could not reject a genuine offer to form a Ministry.

THE GOVERNORS OF MADRAS AND BENGAL said that they would have to wait for the elections, the former because the political situation in Madras was far from clear, and the latter because he was satisfied that in present conditions in Bengal no acceptable government could be formed until elections had been held.

THE VICEROY said the solution appeared to be to make an announcement to the effect that the return of Ministries to office in the Section 93 Provinces would be welcome and that provincial elections were being arranged. It was unnecessary to connect the two parts of this statement and Governors would have to use their own judgment about the return of Ministries to power before the elections. If Ministries returned to power, Governors would of course have to consult them before ordering a dissolution though the decision to dissolve a provincial Legislature is entirely within each Governor's discretion.

The Governors agreed with this view. The general opinion was that provincial elections would be welcomed by the Congress.

THE GOVERNOR OF ORISSA mentioned that various technical matters would need attention, e.g., the possibility that if elections were to be held under Section 93 administration, the relevant proclamation would require amendment.

THE VICEROY said that in Provinces not under Section 93 he thought the best plan would be for Governors to carry on under the ordinary procedure. This meant that they would consult their Ministers and decide in their discretion for or against a dissolution at a particular time.

THE GOVERNOR OF MADRAS asked if the failure of the Simla Conference had had any effect on the Army.

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THE VICEROY replied that as far as he knew the Army was not very interested and quite unmoved. He would of course have to consult the Commander-in-Chief about the effect of Central and Provincial elections on the war effort.

THE GOVERNOR OF THE PUNJAB raised the question of the soldier's vote.

THE VICEROY explained that soldiers as such do not have the vote. Some soldiers were of course qualified to vote and measures had been taken—though they might not be completed in time—to ensure that men were not omitted from the rolls merely because they were absent on war service. But the experts had advised that it would be impossible to arrange for absentee voting.

THE GOVERNOR OF BOMBAY referred to his attempt to revive local self-government in Bombay. He had ordered municipal elections in Ahmedabad and elsewhere, but the persons elected had refused to take office and his attempt was a failure. The same thing might happen with the Provincial Ministries.

1 (*e*) *Release of prisoners, and Azad's letter.*

THE VICEROY said that the meeting favoured the removal of all bans on Congress organisations except possibly the Forward Bloc. He would settle the details with the Home Member. Where Ministries were actually in office or came into office, the matters raised by Azad would be almost entirely for them. But there would be no change in Central policy. He thought the Governors in the Section 93 Provinces should be as liberal as possible in releasing non-dangerous detenus and removing restrictions which are no longer absolutely necessary. But he was certain that Governors must be firm on not releasing dangerous men.

THE GOVERNOR OF THE CENTRAL PROVINCES asked if his special responsibility would be attracted if a Ministry took office and insisted on releasing men convicted of murder whose death sentences had been commuted.

THE VICEROY said a Governor would have a special responsibility during the war if the prisoners concerned were really dangerous.

THE GOVERNOR OF BOMBAY thought there must be a common policy about the return of confiscated property. His Government held and used various articles of furniture, typewriters, etc., belonging to the Congress and it might be a grievance if they were not returned.

THE VICEROY said that the Home Member would suggest a common policy.

THE VICEROY then referred briefly to his memorandum[8] on the victimization of government servants. He did not propose to discuss this; he had circulated it so that the position might be clear.

[8] Not traced in India Office Records.

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3. THE VICEROY then reverted to his proposal that a new Defence and Development Council might be established consisting of Premiers of Provinces with some Ministers from the Indian States. He felt that the National Defence Council should continue until the end of the war with Japan. The new body would be quite separate from the National Defence Council. Though its functions would be advisory, it would be consulted before decisions were taken by the Executive Council on big policy issues on which the co-operation of the Provinces and the States with the Central Government was essential, e.g., education, industrial planning, agricultural planning, medical and health development, etc. The body would be something more than a debating society and would take a real part in framing Central policy.

There was some general discussion on this proposal, after which the Governors generally agreed that the National Defence Council should be retained until the end of the Japanese War and that the new body should be set up as proposed after Ministries had resumed office in the Provinces. All Governors thought that the meetings of the National Defence Council might be fewer than at present.

THE GOVERNOR OF THE UNITED PROVINCES thought that Premiers might object to advising on Central matters which they would regard as the prerogative of Members of the Central Assembly. He thought that Ministries should be invited to send representatives and that membership should not necessarily be confined to Premiers.

THE GOVERNORS OF BIHAR AND THE CENTRAL PROVINCES agreed with the view, but the GOVERNOR OF THE PUNJAB thought there would be no constitutional impropriety and that his Ministers would be very ready to co-operate, particularly if other Provinces came in.

THE GOVERNORS OF SIND AND ASSAM thought the new body should be called *ad hoc* in the first instance and that the members should be invited to decide whether it should be established as a standing body or not.

There was some discussion of the name of the new body. THE VICEROY said he did not think the name very important.

THE VICEROY concluded the discussion on items 1 and 2 by saying that he would report the views of the Conference to the Secretary of State. He thought he could get a reply about the elections within a week and would inform the Governors of the decision as soon as possible.

[The discussions on item 3—Economic and Development Problems—have been omitted.]

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3

Field Marshal Viscount Wavell to Mr Pethick-Lawrence

Telegram, L/PO/10/18: f 192

PRIVATE *5 August 1945*

No. 1253–S. Your telegram No. 437[1] 4th August. I look forward to our association, and hope we may be able to make some impression on our many problems. I am sure that the personal touch is valuable and hope you may be able to visit India at an early date. I can also reach England in 48 hours if required for consultation.

[1] Not traced in India Office Records.

4

Field Marshal Viscount Wavell to Mr Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET

No. 29 THE VICEROY'S HOUSE, NEW DELHI, *5 August 1945*

We exchanged telegrams[1] when your appointment was announced. In one of mine I suggested that you might consider visiting India fairly soon. I know the stock arguments against the Secretary of State visiting this country. They are that by doing so, he undermines the Viceroy's position, encourages political intrigue, and arouses all kinds of unjustified expectations. These arguments are not negligible, and I agree with those of my predecessors who have opposed visits by the Secretary of State, that the Viceroy's position must be safeguarded. I also agree that it is important to avoid unnecessary intrigue and political excitement. But I think it is quite possible to guard against these risks, especially if the Secretary of State makes his visit early in his term of office and announces publicly before leaving home that he has no political object in view but simply wishes to see something of India for himself. It is not easy to defend a system under which the Minister responsible for India seldom has any first-hand knowledge of the country, and now that air travel is so quick and comfortable, the defence is even more difficult than it once was. Amery was very anxious to come out,[2] but the times were not propitious.

I also think that there should be much more personal contact between the officials at the India Office and the officials out here. During the war an unusually large number of officials from India have been home on duty, and

[1] See No. 3. [2] See Vol. IV, No. 194 and Vol. V, No. 149, para. 8.

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some of your officials have visited India. I am very glad that Croft is coming out this autumn, and I should like to see more contacts of this kind in peace as well as in war conditions. I know that many of your officials have been in India, but conditions change rapidly and I am sure that regular visits to this country by selected men would be very valuable.

I can of course always come home myself quickly and at short notice for consultation, though that too naturally arouses speculation and expectation.

2. Our first big problem is the political situation. You have no doubt seen the confidential notes on the Simla Conference[3] and the memorandum[4] I sent Amery for circulation to the India Committee of the Cabinet if he thought the Members would be interested. I have sent you by the bag the agenda and proceedings[5] of the Governors' Conference, and am also telegraphing a summary of its conclusions. These were briefly that elections to the Central Assembly and to the Legislatures in the Section 93 Provinces should be held as soon as possible; that there was little hope of forming a "political" Executive Council even after the elections; that it would be unwise to undertake any radical reconstruction of the present Executive Council on other than political lines; that the restoration of Ministries in the Section 93 Provinces is most desirable, but uncertain even after the elections, in view of the Congress attitude; that it would be best for the new Provincial Ministries to come into power after, and not before, the elections; and that as a palliative at the Centre, it might be useful to establish an advisory body consisting of Provincial Premiers or their nominees, and four or five Ministers from the Indian States, to deal with economic and development matters of common concern to the Centre and to the Provinces and States.

3. These recommendations really boil down to the holding of Central and Provincial elections and the establishment (when all or nearly all Provinces have Ministries) of a new Consultative body in addition to the National Defence Council. I think this new body could be given real work to do, as there are many plans made or co-ordinated by the Central Government which can be carried out only with the active co-operation of the Provinces and States—for some of them, Provincial legislation will be necessary. The views of the new body would therefore carry great weight with my Council, and the Ministers sitting on it would feel that they were not wasting their time. All the same, the recommendations do not embody a complete policy, for after the elections we shall still have an Executive Council of the present type, and we have no guarantee that Ministries will be formed in the Provinces which are now without them.

I propose to retain the National Defence Council till the end of the war with Japan; it has rather outlived its usefulness, but it would be ungracious to dismiss it now, and it does do some good.

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4. I have not yet been able to think of any further step that we can take. I see that Cripps, in a speech made on 16th July, suggested that we should hold elections[6] and form a Constituent Assembly on the lines of the Offer of 1942. One or two Governors had the same idea. The difficulty about it is that Jinnah and the Muslim League would certainly not take part in a Constituent Assembly unless His Majesty's Government first made a "declaration of self-determination for the Muslims". So the Constituent Assembly would probably consist of Congressmen and of various odds and ends.

All the Governors were agreed that in its present crude form Pakistan would not work. Jinnah has never defined his idea, but in his talks with Gandhi during the summer of 1944 he seemed to be thinking of Pakistan as comprising all the Muslim majority Provinces (Sind, the North-West Frontier Province, the Punjab, and Baluchistan in the North-West; and Assam and Bengal in the North-East), and he certainly insisted that the right of these Provinces to secede was to be determined by the vote of the Muslims alone. For obvious reasons the Muslims in these areas have a good deal to lose by Pakistan. They are politically dominant now, and though they have minority problems, they can keep them under control. If Pakistan became a reality in the form in which Jinnah professes to want it, the Punjab would have minority problems which might be uncontrollable. The Sikhs who form a more or less solid block in the middle of the Punjab, would never acquiesce in their inclusion in a Muslim Sovereign State; and the Punjabi Hindus who are more widely scattered but are in a majority in the eastern districts, would also have a great deal to say. Most of the Governors believed that the crudity of Jinnah's ideas ought to be exposed. But there is no easy way of doing so. There seems little doubt that the League will win most of the Muslim seats at the elections, since the question for the average Muslim voter will be put in the form of whether he prefers Islam to Hinduism. I do not see how a Committee of Indian politicians, an impartial Committee of foreigners, or a mixed body including both British and foreign members, could demolish Pakistan. Jinnah would undoubtedly boycott the proceedings—the League have adopted the Congress technique in most matters—and we should simply get recommendations based on evidence which Jinnah would represent as inadequate.

5. We shall therefore, I think, have to hold the elections for the Central Assembly and the Legislatures in the Section 93 Provinces, and see what happens. I have discussed the matter with the Commander-in-Chief, and he thinks that the elections will not affect operations or upset the Army in any way. If Ministries return to power in the Section 93 Provinces, we may in time be able to build something on them. If they do not, we shall have to think again,

[3] See Introduction to Vol. V, p. xxii. [4] See Vol. V, Enclosure to No. 618. [5] No. 2.
[6] See No. 2, note 7.

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but there is no easy solution. It is important to remember that we cannot disregard the Muslim League. Jinnah and his colleagues are most exasperating, but they command Muslim support all over India, and Jinnah's attitude is based on a genuine fear of Congress methods and Congress propaganda. I saw for myself at Simla that this fear is not by any means unjustifiable.

6. I have not yet made up my mind what to do about my Executive Council. I think the Governors took an exaggerated view of the probable effect on public opinion of the kind of reconstruction I had in mind. In some ways a reconstruction which brought into the Executive Council men who are more respected than some of my present colleagues would be welcome both to the Legislature and to the political parties. As Amery was aware, the integrity of some of my present colleagues is not above suspicion, and although much of the hostility against them has been built up for political reasons, there is an uncomfortable feeling that they are personally distrusted. On the other hand, I admit that a radical change in the Executive Council, which is a body of men selected individually, would be contrary to precedent and might have embarrassing results. I may have to decide to carry on with the present team and to make changes only as opportunity offers.

7. A good deal of publicity has been given in the Indian newspapers to Bevin's statement at the Labour Party Conference last May, that the India Office would be abolished if a Labour Government came into power, and that Indian affairs would then be dealt with by the Dominions Office.[7] Constitutionally the change would make no difference unless there were an amendment of the Government of India Act so as to relax the present control of the Secretary of State over Indian affairs. I do not suppose that the present Government would contemplate an amendment of this kind except as part of a general political settlement. On the other hand I think there is much to be said for the gradual establishment of conventions, without necessarily any public announcement, under which India would be treated much more as a Dominion and less as a dependency. At present there is very little interference from home in India's financial and economic affairs, and it would help if the United Kingdom High Commissioner mentioned in the recent proposals could be appointed. It would then be understood that over a fairly wide field His Majesty's Government would deal with India through the High Commissioner, and not by direct reference to the Viceroy or the Departments. I know that there are constitutional difficulties about this also; but if the High Commissioner became simply an agent of the Secretary of State for India, his appointment would have little political value. It is essential that he should be regarded as the agent of His Majesty's Government as a whole, and should not be in a position to issue orders to the Government of India or apply pressure beyond the usual diplomatic limits. I should also like to revive the proposal that our Agent-General in

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Washington should be made a Minister. This again is quite illogical, but I know that the present Agent-General, Sir Girja Shankar Bajpai, has felt his subordinate position acutely and has been dependent on the support of Halifax and the courtesy of the State Department in maintaining a status to which he is not really entitled—for example the State Department arrange an occasional interview for him with the President.

8. The political parties in India continue their statements and counter-statements. Gandhi has been peevish with Pattabhi Sitaramayya, a Madras member of the Congress Working Committee, who incautiously said that the notorious Andhra circular of 1942[8] was approved by Gandhi, and then withdrew his statement and said that it had been approved by himself, apparently with the general concurrence of some of his colleagues on the Working Committee. Preparations for "Liberty Week" or "Martyrs' Week" continue. But none of the Governors seems to be much perturbed about this. There are signs that the Congress may try to institute enquiries into the conduct of officials during the 1942 disturbances, and when Nehru saw me in Simla,[9] this was the only subject on which he displayed any real heat. I made it clear to him that I would not allow such enquiries. The Muslim League papers are attacking the Congress, and particularly the Congress Muslims. Nehru and Azad are at present on holiday in Kashmir, and during a procession sponsored by the Congress faction in Srinagar there was a riot with the League faction in which one man was killed and a good many others were injured. I think that both the Congress and the League would welcome elections as a "trial of strength" and a diversion.

9. Provincial politics have been fairly quiet. Saadulla seems after all to have held his position in Assam, mainly I gather because his principal Hindu opponent is trusted by nobody. In Sind the acquittal of Khan Bahadur Khuhro, an ex-Minister who was charged with complicity in the murder of Allah Bakhsh, a former Premier, seems to have caused a sensation; and it is reported in the newspapers that the present Premier, Ghulam Hussain Hidayatullah, and his colleagues met Khuhro at the railway station on his arrival in Karachi and took him out in a procession. Sind politics are most peculiar, and although Khuhro is well known to be a scoundrel, he may easily be included in a Ministry again.

10. I have telegraphed[10] to you about the extension of the Section 93 Proclamation in Bengal. Casey is under heavy pressure from Fazlul Huq and others

[7] At the Labour Party Conference at Blackpool on 23 May 1945, Mr Bevin said: 'If Labour is returned we would close the India Office and transfer Indian business to the Dominions Office, which would become the Office of Commonwealth Overseas. I am convinced that this act will give them [Indians] confidence that they are no longer governed from Whitehall.'

[8] See Vol. II, No. 407. [9] See Vol. V, No. 562. [10] Tel. 1247-S of 3 August. L/PO/10/25.

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to accept a Ministry now, but is quite positive, as you will have seen from his opinion which I telegraphed separately,[11] that this would be a great mistake. The immediate cause of the constitutional breakdown in Bengal last spring was the attitude of the Speaker of the Assembly who was well in with the Opposition and made the transaction of Government business virtually impossible. The Assembly consisted of shifting elements, and it was commonly said that most of the Members could be bought without much difficulty. Some of the Members crossed the floor two or three times during the last Assembly. The European Group, which is the only steady element, will not support any Ministry in which Fazlul Huq—whose corruptness is well known —is included; and although Fazlul Huq and his associates, who include some of the leading Congressmen, could no doubt form a government of a kind, its hold would be precarious and its main object would be to manipulate the elections. I have no doubt that Casey is right and that the correct democratic course is to go out of Section 93 not before but immediately after general elections have been held. The position is rather different in the Provinces where Congress have a majority. All the Governors of these Provinces except Hope said at the Governors' Conference that they would have no reason to reject proposals for the formation of Ministries, given the ordinary proof of adequate Parliamentary backing and a guarantee to support the war effort. Hope felt that in Madras the parties have not settled down since Rajagopalachari's position changed and there are many vacancies in his Legislature for which bye-elections have not been held.

11. The Indian Delegation from San Francisco has returned, and I have seen Mudaliar, Krishnamachari, and K. P. S. Menon, who was acting as Secretary. They seem to have had an interesting though strenuous time, and I think the experience has been good for them. I am told that they made a good impression. Menon has written a short appreciation of the Russian attitude at the Conference which my External Affairs Department will pass on to the India Office.[12]

[Para. 12, on Mr Casey's leave; and para. 13, on the activities of the Tass Agency in Delhi, omitted.]

14. I sent Amery, with a letter of 17th July,[13] three copies of a recent paper by my External Affairs Department on India's political interests in the Far East. I do not know if any of your colleagues would be interested in this paper; it is, I think, well worth reading. There is a tendency at home to disregard India or at least to give India inadequate consideration in discussions on Eastern policy. I feel very strongly that this is wrong and that our relations with India, and India's relations with her neighbours in this part of the world are matters of very great importance.

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[Para. 15, on leave terms for men temporarily employed in civil departments; and para. 16, on a preliminary memorandum on the unified development of the Damodar River, omitted.]

17. Auchinleck has been considering with my External Affairs Department the future of the Gurkha units of the Indian Army. The Gurkhas are first-class soldiers—probably the best soldiers in the East, on the whole—and in peacetime we employed twenty battalions of them by special arrangement with the Government of Nepal. During the war well over 100,000 of them have joined the Army, and have been invaluable. We are required to observe certain conditions, e.g., the Gurkha battalions are not sent overseas except on active service, and they all have permanent accommodation in hill stations so that the men are not kept for long periods in the plains between spells of duty on the Frontier. The Gurkha units have always had British Officers and we know that the Nepal Government would at present object to any other arrangement.

We have before very long to determine the future strength and composition of the Indian Army, and we cannot foretell what the attitude of an Indian Government responsible for Defence policy would be to the Gurkha units. Nor do we know what the relations of the Nepal Government with such an Indian Government would be.

The Indian attitude must remain a matter of speculation. The Gurkhas are Hindus, and much would depend on the form of the Constitution, the state of communal feeling, and the extent of the pressure, e.g., from the Punjab and the Mahratta areas, for the exclusion of "foreigners" from the Indian Army. Professional advice would favour the retention of the Gurkhas, but the Indian Government might or might not be guided by it. The Indian Government might wish to exclude Gurkhas altogether, in which event the Nepal Government would probably expect His Majesty's Government to employ them, since service in the Army is the livelihood of a considerable proportion of the population. If the Indian Government decided to retain the Gurkha units at their old strength or in reduced numbers, it is probable that they would insist on their being officered in the same way as the rest of the Indian Army, that is by Indian Officers and British Officers seconded from the British Service. They would probably make Gurkhas eligible for commissions both in Gurkha and Indian units, but we cannot be sure of this. Nor can we be sure that the Indian Government would adhere to any policy adopted in the first instance, so that the position of any Gurkha units retained might be less secure than it is at present. Nor can we even assume that Indians will be able to form a stable Central Government in the near future.

It would be unfair to assume that an Indian Government will not want the Gurkhas and we do not wish to make any such suggestion to Nepal. Auchinleck

[11] Tel. 1248-S of 3 August. *Ibid.* [12] L/E/9/1373. [13] L/P&S/12/4662.

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has been told by the War Office that they would accept any surplus of Gurkhas up to a maximum strength of twenty battalions, and if we had to fall back on this arrangement the Gurkhas would become a part of the Imperial Army and would be used largely even in peace-time for overseas service.

Our problem is how to settle the strength and composition of the Indian Army with the future of the Gurkhas so uncertain; and to save the Gurkhas falling between two stools and having no outlet for military service either in India or in the Imperial Forces. We could ascertain the views of the Nepal Government on the various possible positions, but I do not want to alarm the Maharaja by a formal enquiry or make him think that political changes here will worsen the relations between India and Nepal. Auchinleck is visiting Khatmandu in October and I have asked him to have a private conversation with the Maharaja on the subject. He may be able to find out what the Nepal attitude would be to an Indian Government responsible for Defence, and whether, if the Nepal Government agreed to the retention of the Gurkha units in Indian service, they would also agree to their being officered like the rest of the Indian Army. I will keep you informed of any developments. In the meantime you might think the matter over, as later we may need a fairly quick decision about it.

[Para. 18, on the Maharaja of Nepal's retirement, omitted.]

19. I have written to you separately about Governors. No fewer than seven (two Presidency and five Service) of the eleven Governorships will change next year, and good men are not easy to find.

[PS., on the Maharaja of Nepal's retirement, omitted.]

5

Field Marshal Viscount Wavell to Mr Pethick-Lawrence

Telegram, L/PO/10/25

IMMEDIATE NEW DELHI, *6 August 1945, 5.20 pm*
SECRET *Received: 6 August, 8.10 pm*

No. 1254–S. Superintendent Series. Governors' Conference considered on 1st and 2nd August situation arising from rejection of His Majesty's Government's proposals. This telegram summarises views of Governors. Immediately succeeding telegram contains my comments.

2. *General.*—Governors considered that His Majesty's Government's proposals had generated widespread interest and goodwill and that we should

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endeavour to retain the initiative and divert political[1] energy into legitimate channels. They then examined possibility of action at Centre or in Provinces or both.

3. *Future of Central Government.*—Possibilities put to Conference were: (1) attempt to form "political" Executive Council on lines discussed at Simla but without Muslim League; (2) retention of present Executive Council; or (3) reconstruction of Executive Council with a view to improve its efficiency and ensure the respect if not the support of the Legislature and the political parties. Governors advised definitely against (1) and (3). They felt, though some of them with regret from their own Provincial standpoint, that disregard of Muslim League would be unsound and dangerous. They also felt that if we could not establish "political" executive radical change in present Council would be unpopular and unwise. They therefore advised in favour of (2) subject of course to any individual changes I might think necessary.

4. *Timing of Central elections.*—All Governors except Governor of Punjab favoured Central elections before end of 1945 so as to produce new Assembly for next budget session. Owing to condition of rolls Council of State elections cannot be held until after budget session. Punjab Ministers and Governor fear effect of early Assembly elections on relative positions of Unionist Party and Muslim League in Punjab.

5. *Restoration of Ministries in Section 93 Provinces and timing of Provincial elections.*—All Section 93 Governors except Bombay favoured early Provincial election and would prefer formation of Ministries to follow and not (repeat not) precede elections. Governor of Bombay said he would like Ministry to take Office first and elections to follow but would fall in with any general policy. Governors of Bombay, United Provinces, Bihar, the Central Provinces said that if they were approached now or after announcement of Provincial elections by party leaders with proof of Parliamentary backing and guarantee of support for war effort they could not (repeat not) oppose the formation of Ministries before elections were held. Governors of Madras and Bengal said they must insist on elections first, former because position of party leaders is most uncertain and there are many vacancies in the Legislature, and latter because he is satisfied that before elections only most unsatisfactory party combinations can be expected. Solution finally recommended was that an announcement should be made that the return of Ministries to Office in Section 93 Provinces would be welcomed, and that Provincial elections are being arranged. It would be unnecessary to connect the two parts of this announcement and Governors would have to use their own judgment about the return of Ministries to power before the elections. If Ministries returned to power Governors would

[1] 'political' deciphered as 'yesterday's'.

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of course have to consult them before ordering a dissolution though decision to dissolve is within Governor's discretion. Provincial elections could be held in all Section 93 Provinces by end of first quarter of 1946.

In Provinces not under Section 93 Governors would have to follow normal procedure. All favoured early elections except Governor of Punjab who would prefer them in autumn of 1946.

There was general agreement that Provincial elections should be synchronised as far as possible though complete uniformity would be difficult.

6. *Release of prisoners and Azad's letter of 15th July.*[2]—Copy of Azad's letter was sent by bag of 26th July. It concerns removal of bans on Congress organisations; release of detenus and prisoners; removal of personal restrictions on men released and of restrictions on Press and public meetings; commutation of death sentences; amnesty for absconders; and restoration of confiscated property. Governors recommended removal of bans with limited exceptions, e.g., for Forward Bloc. I undertook to settle exceptions with Home Member and also to settle uniform policy which was desired by Governors for restoration of confiscated property. Governors will complete releases of relatively harmless detenus of whom there are practically none left and removal of any restrictions not now absolutely necessary. Apart from gangsters in Bengal and Hurs in Sind to whom Azad was presumably not referring, nearly[3] all remaining detenus are terrorists, revolutionaries, or men with enemy contacts. It was agreed that the present policy of progressive releases should continue but that the more dangerous detenus and the political convicts, most of whom have committed violent crimes, must not be let out and that there should be no general amnesty for absconders. If Ministries return to Office in Section 93 Provinces these matters would be for them but during the war at least Governors would be justified in resisting release of really dangerous men.[4]

7. *Conclusion.*—Governors realised that the course they were recommending (Central and Provincial elections) gave no certain programme thereafter. Elections would inevitably cause party and communal rancour and if after that nothing happened at the Centre and Ministries were not formed in the Section 93 Provinces we should have gained little. Various tentative suggestions were made during the discussion which are discussed in immediately succeeding telegram. Governors accepted my proposal that if Ministries returned to Office in Section 93 Provinces and "political" executive is not (repeat not) formed at Centre, effort should be made to institute Development Council of Provincial Premiers or their nominees from Provincial Ministries with four or five Ministers from Indian States to advise the Central Government on important policy questions on which close co-operation between Centre, Provinces and States is essential, e.g., programmes for education, medical relief, health, industrial development, agriculture, roads, etc. This body would not replace present

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National Defence Council which would continue until end of Japanese war, but would be entirely separate from it. It would have whole-time Secretary and would be consulted before Central decisions were taken on matters such as those referred to above.

[2] Vol. V, No. 614. [3] 'nearly' omitted in decipher.
[4] 'really dangerous men' was received corrupt.

6

Field Marshal Viscount Wavell to Mr Pethick-Lawrence

Telegram, L/PO/10/25

IMMEDIATE NEW DELHI, *6 August 1945, 5.20 pm*
TOP SECRET *Received: 6 August, 2.45 pm*

No. 1255-S. Superintendent Series. My immediately preceding telegram. Governors' Conference. Following are my comments:—

2. *General.*—There was strong feeling that Jinnah's attitude was obstructive, that dangers and disadvantages of Pakistan both from political and economic point of view should be exposed, and that in particular His Majesty's Government should make it clear that they are unable to agree to partition of India on purely Muslim vote. Various methods of bringing Pakistan into the open were suggested, e.g., an examination by Indian politicians; the appointment of a mixed Commission including British and possibly American experts; the appointment of a fact-finding Committee composed entirely of foreign experts; or the formation of a Constituent Assembly. One or two Governors thought that a further declaration by His Majesty's Government should be made to indicate clearly that Jinnah's idea of partition on a Muslim vote would not be accepted by His Majesty's Government. I do not think any of these expedients would work as Jinnah would demand a declaration by His Majesty's Government of self-determination for the Muslims before the League participated in any discussions or assisted any enquiring body, while new declaration by His Majesty's Government at this juncture would precipitate crisis without helping us much.

3. *Central Government.*—Much as I should like to establish a "political" executive I agree with the final view of Governors that it is impossible to do so at present. An executive dominated by prominent Congress politicians with a non-League Muslim element would not work and would lead us into grave dangers. On the other hand I do not altogether accept the Governors' view

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about reconstruction of the Executive Council. I shall have to think this over and report to you again. Some of my present Indian colleagues behaved badly during the recent political proposals and several of them are incompetent. A reconstruction not (repeat not) on a "political" basis would not of course be popular but might be welcomed for practical reasons by the Legislature and the political parties.

4. *Timing of Central Elections.*—I agree with the Governors.

5. *Ministries in Section 93 Provinces and timing of Provincial Elections.*—I agree with the Governors. It is impossible to impose complete uniformity but the Governors in the Section 93 Provinces should follow a common policy. In the other Provinces Governors must of course take into account the views of their Ministers.

6. *Release of prisoners and Azad's letter.*—I agree with the Governors.

7. *Conclusion.*—I attach importance to the idea of a consultative body consisting of Premiers and Ministers from Indian States. My idea would be that on big policy questions which frequently require legislation as well as administrative action in the Provinces my Executive Council should prepare tentative proposals which should be discussed with the new body before final adoption. To begin with this process would retard progress but in the long run it might well accelerate it. Genuine[1] consultation with Provincial Premiers (or if they prefer it, Ministers nominated by them) on big development questions would to some extent be a compensation for the lack of "political" leadership at the Centre. But its establishment depends of course on Ministries being formed in all or the great majority of Provinces, and I would make no announcement about it now.

8. I need immediate concurrence in the proposals for Central and Provincial elections, as orders about them must be sent out within the next few days so that preparations may be made. I would make a very simple announcement to the effect that the return to power of Ministries in the Section 93 Provinces would be welcomed and that the Governors of those Provinces are arranging for Provincial elections at a fairly early date. I would also announce that elections for the Central Assembly will be held before the next budget session. Commander-in-Chief does not (repeat not) think that elections will cause interference with war effort or uneasiness in Indian Army.

[1] 'Genuine' deciphered '(?Our)'.

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7

Summary of Statement by Mr Rajagopalachariar[1]

L/P&J/10/20: f 243

7. INTERIM GOVERNMENT WANTED—MR. RAJAGOPALACHARIAR

I. & B. Dept. By telegram, New Delhi, 6.8.45.

In reference to Sir Stafford Cripps' interview[2] with the United Press of America, dated London, August 4, Mr. Rajagopalachariar in the course of a statement at Bombay, on August 5, says, "It is understandable why the new Labour Government of Britain may refrain from tackling the Indian problem for an interim solution, but may start the machinery for a permanent solution of the Constitutional issue for India. It will give them time and save them from immediate conflict with Mr. Jinnah. I hope this prognosis is not correct, and that we may still have a decently representative interim Government of India in place of the present Executive Council, and without waiting for long-drawn-out discussions over a permanent Constitution. An early date for holding elections in all Provinces we should welcome from every point of view. New Provincial Governments, following these elections, may create an atmosphere for a fresh attempt to reach an interim solution, and it may be more successful than the Simla Conference, especially if the procedure I recommend, namely one based on territorial units and representation of Provincial Governments, were to be followed."

As regards a permanent solution, Mr. Rajagopalachariar presumes that the Labour Government will follow the plan adumbrated in the 1942 Declaration, and suggests that the time-table and procedure should be modified as follows: "Let Provincial elections be held on any early date. Then let each Provincial Assembly vote on the issue of forming a union. We may be sure that at least seven Provinces will vote for forming an Indian Union. All Provinces voting in this manner should proceed with the election of members to the Constitution-making body by the method of proportional representation, and the body so formed should proceed to frame the Constitution for a union. We will thus

[1] This summary is reprinted from *India and Burma News Summary* for the week ending 9 August 1945 issued by the Information Department, India and Burma Offices, p. 5.

[2] Sir S. Cripps was reported by the U.P.A. to have said that the Labour government would immediately pursue their aims for a permanent settlement of the Indian question and to have strongly implied that new action would be taken very soon 'probably within a month'. A footnote in the *India and Burma News Summary* reads:

'Sir Stafford Cripps, President of the Board of Trade, made the following statement on August 7: "I am sorry that, owing to quite false reports of an interview which did not take place, certain misconceptions have arisen in India as to my views on the immediate situation. Those views naturally cannot be expressed until the Labour Government has formulated and announced its policy." '

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have a homogeneous Constituent Assembly framing a Constitution for an Indian Union. Those who vote for remaining outside would continue under the present Constitution until they gained strength and unity among themselves to frame a separate Union and a separate Constitution. It would be open to such Provinces to revise their attitude at any time later and vote for joining the main Indian Union.

This modification of the time-table would result in several advantages. The proceedings of the Constitution-making body would be marked by speed and co-ordinated intention. The Provinces would think several times before voting to remain out. It would enable a thoroughly satisfactory Constitution to be framed in the first instance. The other plan would lead to a series of checks and balances being proposed, which would weaken the Centre most certainly, and yet the object of it all would probably remain unrealized, namely the accession of the Muslim League Provinces. The plan I propose would have an advantage over the time-table contained in the 1942 Declaration.

In view of the repeated declarations of the Muslim League, the British Government should consider whether the original time-table should not be modified as I have proposed. The Provinces that vote for League leadership would be compelled to make their choice with positive obligations, instead of merely acting as a brake."[3]

[3] Mr Pethick-Lawrence noted on the file: 'This item is important and I sh[oul]d like views on it.'

8

Mr Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/610: f 51

IMMEDIATE INDIA OFFICE, *7 August 1945, 2 pm*

17436. Privy Council appeal in Chimur and Ashti murder cases was dismissed on 31st July.[1] In view of political interest in these cases I should be grateful if you would consult me before executions take place. If commutation has already been decided on please let me know the present position.

Repeated to Governor, Central Provinces.

[1] See No. 13 for the background to the Chimur and Ashti cases.

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Mr Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/610: f 50

IMMEDIATE INDIA OFFICE, *8 August 1945, 7.30 pm*

17563. My telegram of 7th August 17436. Chimur and Ashti cases. Please act similarly in respect of any pending Madras cases arising out of the 1942 disturbances. I have received a general representation on all three cases but am not clear to which Madras case or cases reference is made.

10

Statement by Mr Pethick-Lawrence at a Meeting with Representatives of the Indian Press in London[1]

L/P&J/10/20: f 251

8 August 1945

"You will of course realise that though I have for many years followed Indian and Burma affairs with deep interest and attention I have not had any time to acquaint myself with the many problems of my office from the inside. You will not therefore expect any pronouncement from me to-day on any of these matters. Nor am I in a position to answer any questions concerning them.

"What I propose to do is to say a few words about the spirit in which I approach my task and the ideal which animates me in attempting to deal with it.

"All through my life I have been greatly attracted to the Asiatic attitude towards fundamental issues and particularly to that of India. Though I lay no claim whatever to be an Orientalist in the sense of having made any sustained study of oriental literature or art, I can say that I am acquainted with the elementary conceptions which form the basis of Indian thought and that they have exercised a profound influence on my life. Both in the spiritual approach to the problem of existence, and in the artistic presentation of material reality, it is not any exaggeration to say that I have often found myself more in accord with eastern expression than with that prevailing in the western world in which I was born and have lived my life.

"Burmese life and thought have also made a strong impression on me particularly at the time when I was engaged in the campaign for securing the franchise for women in this country.

[1] From *India and Burma News Summary*, issued by the Information Department, India and Burma Offices.

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"It has also been my good fortune to be personally acquainted with and to count among my friends many of the leading men and women of India.

"You will be aware that I spent several months with my wife in India in 1926–7 and that in 1931 I was a member of the Indian Round Table Conference and of its Federal Structure Committee. On that occasion I had the pleasure of coming into contact with the representatives of Burma as well as (more intimately) with those of all sections of Indian opinion.

"The ideal which I set before myself as the goal to be reached can in my opinion be very simply stated. It is none other than Equal Partnership between Britain and both India and Burma. This is passionately desired, I am confident not only by myself and His Majesty's Government, but by the vast majority of all our peoples.

"We have much in common and where we are different we have much to give to and much to learn from one another.

"As I have already explained to you this is not the occasion when I am in a position to say anything about the time and method of approach to that ideal. But it will be the outstanding thought behind all my actions.

"I cannot conclude without giving expression to my sense of the magnitude of the responsibility which has been placed upon me. But I am upborne by the thought that there are other, wise shoulders on which a great share of responsibility also rests. First and foremost there is the distinguished public servant who is now at the head of the Government of India. Then there are many leaders of thought in India itself whose sole desire is to be of the greatest service to their country. With sincerity, goodwill and cooperation I am confident that much can be accomplished."

II

Sir G. Cunningham (North-West Frontier Province) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/222: f 48

CONFIDENTIAL *9 August 1945*

Report No. 11

2. I find that the failure of the Simla Conference has made people think and talk more about the Pakistan issue. What I heard tends to confirm my earlier impression that not many people here believe in Pakistan in the sense of dismemberment from the rest of India. Even professional Muslim Leaguers like Aurangzeb Khan, my late Chief Minister, have expressed this view to me, and one went so far as to say that it is time that the young Muslim element took

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the matter into their hands and defined what they really believe is the essence of Pakistan—safeguarding of Muslim interests at the Centre, and not complete severance. But there seems to be little doubt that the coming elections will be fought largely on the Pakistan issue in its crudest form.

12

Mr Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/610: ff 36–7

IMMEDIATE INDIA OFFICE, *10 August 1945, 11.35 am*

17694. My telegrams of the 7th and 8th August, Nos. 17436[1] and 17563.[2]

2. I can well imagine that volume of interest displayed here in the question of executing these long deferred death sentences is negligible in comparison with the agitation against it in India and you must be experiencing considerable anxiety as to whether and to what degree you are called upon to exercise your power to modify the sentences.

3. I fully recognise that there is much to be said for letting the law take its course. The prisoners have been duly convicted after the most thorough hearing and re-hearing of the charges against them, and the appeals which were made on points of law have been carried to and rejected by the highest tribunal. As a matter of policy I recognise that it is essential to protect the police by ensuring that brutal attacks upon them are visited with adequate punishment, and it is no less desirable to avoid encouraging the belief that persistent use of the law's delays will finally be rewarded by a mitigation of the original sentence.

4. But while allowing all this there are other considerations which I feel bound to mention at this stage. It is now almost exactly three years since the original crime was committed and for over 2½ years these persons have been under sentence of death. That is an inordinate length of time in the eyes of public opinion here. It has to be borne in mind also that the majority if not all were cases of *constructive* murder and there was no evidence of premeditation. The popular demand is not that the sentences should be remitted but only that the death sentences should be commuted as in the case of their fellow-prisoners.

5. There are also considerations of a more political nature of which I feel particularly conscious at the present time. Both in India and here there is a strong expectation that the inauguration of a new government in this country

[1] No. 8. [2] No. 9.

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would coincide with some act of clemency. And it seems to me that a concession to popular feeling in this matter would come appropriately at a time when the tension between Congress and the Govt. of India has been relaxed by the recent negotiations. You will yourself I am sure be conscious of the advantage of securing and retaining popular goodwill and of the undesirability of forfeiting it by turning these persons into martyrs.

6. I feel sure you will give these considerations the fullest weight in reaching your decision.

13

Field Marshal Viscount Wavell to Mr Pethick-Lawrence

Telegram, L/P&J/8/610: f 34

IMPORTANT NEW DELHI, *11 August 1945, 1.20 pm*
Received: 11 August, 2.30 pm

No. 1279–S. Your telegram No. 17436[1] of 7th August and 17563[2] of 8th August. Chimur and Ashti cases. Decision must cover also Fatwa and Kulasekharapatnam cases to which similar arguments apply. Details are as follows.

2. *Chimur and Ashti cases.* In the two Chimur cases which were closely connected but tried separately (1) a magistrate and a revenue officer were dragged out of a rest house and battered to death and (2) a retreating police party was pursued and attacked and inspector and one constable were killed. In Ashti case police station was over-run and burnt. Sub-inspector was killed, head constable and two constables were beaten and later burnt probably while still alive, and a third constable was killed and thrown into a pond. Murders were committed on 15th/16th August 1942. Original death sentences were passed in Chimur cases on 12th November and Ashti case on 5th December 1942. Of 30 death sentences (Chimur 20, Ashti 10) judicial decisions and commutations by Governor have left only seven (Chimur 5, Ashti 2).

3. *Fatwa case.* Two R.A.F. pilot officers were dragged out of a train at Fatwa Station in Bihar and murdered on 13th August 1942. Seven death sentences were passed on 24th February 1943 of which three were set (?aside) judicially and four standing.

4. *Kulasekharapatnam case.* Assistant inspector in salt factory was attacked and murdered on September 20th 1942. Two death sentences were passed on February 6th 1942 [1943?] and still stand.

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5. Common features in all these cases are

First. Attacks were made during 1942 disturbances by large mobs.
Second. Murders were deliberate and brutal.
Third. Persons still under sentence of death were ringleaders of whose guilt High Courts and Governors and Governor-General are satisfied after exhaustive examination of evidence.
Fourth. Murders were committed nearly three years ago and original death sentences were passed well over two years ago.
Fifth. Delay in execution of death sentences was due largely to validity of Special Criminal Courts Ordinance (II of 1942) being called in question and contested up to Privy Council on purely legalistic grounds.

6. Except in Kulasekharapatnam condemned men's mercy petitions have been rejected. Petitions in Kulasekharapatnam cases were kept undecided pending result of proceedings in Privy Council on Chimur Ashti cases.

7. There is sixth case in which three police constables on duty near village in Jaunpur district of United Provinces were attacked and two of them beaten to death on October 9th, 1942. Eight persons were arrested in January, February and March 1943 of whom five were sentenced to death by Sessions Judge on August 30th 1944. Sentences were confirmed by High Court on February 16th 1945 and mercy petitions rejected by Governor-General last May. Executions were suspended pending appeal to Privy Council. This case is not on all fours with five cases discussed above as offence was committed in October after disturbances had passed their peak and trial was under ordinary procedure. But delay has been serious and decision surrounding other five cases must apply to Jaunpur case also.

8. I considered Chimur, Ashti and Fatwa cases with very greatest care last February and March in all aspects and decided *not* to commute. Only new factor is that almost six months more have been (?added) since then to time convicts have been under sentence of death. I am still strongly against clemency on political grounds but have most reluctantly come to conclusion that on humanitarian grounds commutation in all these cases of[3] transportation for life is now advisable in view of long delay since death sentences were passed. My immediately succeeding telegram contains comments which you should bear in mind. I shall be glad to know your views.

[1] No. 8. [2] No. 9.
[3] In tel. 1300-S of 14 August Sir E. Jenkins informed Mr Patrick that 'of' here should have read 'to'. L/P&J/8/610.

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Field Marshal Viscount Wavell to Mr Pethick-Lawrence

Telegram, L/P&J/8/610: f 35

IMPORTANT NEW DELHI, *11 August 1945, 6 pm*
Received: 11 August, 2.15 pm

1280–S. My immediately preceding telegram. Chimur and Ashti and similar cases. Commutations will have following consequences seriousness of which you must bear in mind.

First. They will cause resentment in fighting services and particularly in the Royal Air Force. Entire crew of service aircraft which made forced landing in Bihar in 1942 was murdered and murderers were not traced. This caused grave concern throughout Royal Air Force. Clemency to ringleaders in Fatwa murders who have been caught and convicted will be regarded as entirely misplaced.

Second. Morale of Civil Services in Provinces will be affected. India is very lightly administered by small groups of Civil officials almost without protection. (?The) safety of these people depends on the belief that Government can and will punish (?physical) attacks upon them and clemency in Chimur, Ashti, Kulasekharapatnam and Jaunpur cases will shake this belief.

Third. Arising out of first and second there will be tendency both on the part of the troops and of the police during future disturbances to exact retribution on the spot. If they think the authorities incapable of punishing the most brutal acts (e.g. the burning of policemen alive) the difficulty of preventing irregular action will be considerable.

Fourth. Commutations will be proof of the power of lawyers to defeat the ends of justice in political cases and will encourage political crime.

Fifth. Congress while still denying responsibility for disturbances are glorifying those who took part in them and committed murders or acts of sabotage. On return of ministries to power in Congress provinces determined attempts will be made to release all political prisoners including those whose death sentences have been commuted. Gandhi is even now agitating for clemency to ordinary dacoits who happen to have Congress affiliations. I must ask for assurance that I shall be supported by His Majesty's Government in resisting at all costs all such attempts.

Sixth. Commutations will be treated as act of political appeasement by Governor-General, Labour Government or both, and will be hailed as triumph for Gandhi and justification for Congress attitude to 1942 disturbances. Loyal elements in India will be correspondingly discouraged.

2. Acting Governor of the Central Province favours commutation and this

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was also Twynam's view. I have not consulted other Governors again but when they were consulted last May Governors of United Provinces and Bihar were strongly opposed and Governor of Madras was prepared to accept but only as act of special clemency on the end of war in Europe.

3. If commutations are sanctioned I would make no announcement. Any statement that they had no political significance and were based only on delay would be disbelieved and would do no good.

4. Your telegram No. 17694[1] of August 10th was received after these telegrams had been drafted. I have not thought it necessary to alter them in any way.

[1] No. 12.

15

Sir E. Jenkins to Sir F. Mudie

Wavell Papers. Official Correspondence: India, January–December 1945, p. 262

TOP SECRET *11 August 1945*

No. 1157

My dear Mudie,

The External Affairs Department are, under His Excellency's instructions, sending an official telegram[1] to the India Office setting out the points in which India is specially interested in any surrender terms imposed on Japan, and saying that we wish to be consulted about these points. The noting was seen in Home Department, and His Excellency understands that a "surrender list" of traitors whom we wish to be handed over to us has been prepared in the Home Department and sent to the India Office. Two of the points mentioned in the External Affairs Department telegram are (1) Indian prisoners of war in Japanese hands, and (2) the treatment of Bose and his associates and of Jifs. His Excellency considers that these matters require very careful consideration: in particular he is not at all sure that Bose and his immediate associates should be returned to India for trial. It might be better to have them dealt with as war criminals outside India. His Excellency would like you to advise about this. In the meantime he has sent the Secretary of State a private telegram, No. 1286–S,[2] dated 11th August 1945, of which I enclose a copy for your personal information.

Yours sincerely,

E. M. JENKINS

[1] 7077 of 12 August. L/P&S/12/4565. [2] On similar lines to this letter. *Ibid.*

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Field Marshal Viscount Wavell to Mr Pethick-Lawrence

Telegram, L/PO/10/25

IMMEDIATE NEW DELHI, *11 August 1945, 11.45 pm*
SECRET *Received: 11 August, 8.20 pm*

No. 1288–S. Superintendent Series. I have seen Turnbull's telegram to Jenkins No. 17603[1] of 9th August. Since my No. 465–S[2] of 12th March was sent, Home Department have introduced revised classification of detenus.[3] Figures given me before Governors' Conference as at end July were as follows:—

Class I	Non-violent Congressmen	52
Class II	Persons with enemy contacts	274
Class III	Persons detained for terrorist and other violent activities	1,632
Class IV	Hurs, Goondas, and Miscellaneous (almost entirely non-political)	4,910
	Total	6,868

2. These figures are for persons detained under Ordinance III of 1944. In addition there are about 3,500 persons (including members of I.N.A.) from enemy territory detained under Ordinance IV of 1944 and a very small number under Regulation III of 1818. Detentions under Ordinance IV and Regulation III are not (repeat not) ordinarily connected with internal political situation.

3. It is not the intention that all Congressmen detained in connection with 1942 disturbances will necessarily be released forthwith. On 1st June approximate figure for such Congressmen was 1,031 spread over first and third classes in new classification. Persons in Class I will be released shortly with negligible exceptions. It was intended to hold most of Class II until end of Japanese War when cases could be reviewed. Persons in Class III are dangerous men and can be released only on individual review of cases. Governor of Bengal in particular does not (repeat not) wish to be hurried about terrorists.

4. It is impossible to isolate Congressmen with any certainty except in Category I. All persons in first three categories would probably vote Congress at elections and Congress would welcome their release.

5. I shall continue policy of gradual releases which is working well. I hope you will agree. It would be most unwise to force the pace unduly.

6. I shall be grateful for immediate instructions about holding of Central and Provincial elections. There is much preliminary work to be done in the

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Provinces and unless Provincial Governments are told to go ahead within next few days, programme contemplated may be impossible.

[1] In this tel., Mr Turnbull asked whether para. 6 of No. 5 meant that all Congressmen detained in connection with the 1942 disturbances had been or were to be released. If this interpretation was not correct, he asked for the numbers of 1942 Congress detenus remaining after the contemplated releases. L/P&J/8/524: f 226.

[2] Vol. V, No. 306. [3] See Vol. V, No. 453.

17

Governor-General (War Department) to Secretary of State

Telegram, L/PO/10/25

IMMEDIATE NEW DELHI, *11 August 1945, 9.20 pm*
SECRET *Received: 12 August, 5.50 pm*

PART I

No. 10234. War Department in consultation with Home and Finance Departments have considered the question of disposal of the members of I.N.A. and 950 Regiment (J.I.Fs. and H.I.Fs.). They are classified in following categories:—

(1) "*BLACKS*".—Officers or men are classified "BLACK" if it [is] considered that they should be brought to trial for a criminal offence, or if their release would be dangerous.

(2) "*GREYS*".—Those who have been members of an enemy organisation and subjected to enemy propaganda and have been affected thereby, but are not considered to be fundamentally and incurably disloyal.

(3) "*WHITES*".—Those whose loyalty is beyond question.

2. Our proposed policy is—

"Blacks".—Categories mentioned below will be tried by Court-martial:—

(*a*) Officers of the I.A.

(*b*) V.C.Os. who became officers in I.N.A.

(*c*) V.C.Os. who joined 950 Regiment.

(*d*) Those who initially deserted from our lines as opposed to being taken prisoner.

(*e*) I.O.Rs. who became officers or under-officers in 950 Regiment.

(*f*) Those instrumental in causing the death of any British or Allied subject, whether in or out of battle.

(*g*) Those guilty of brutal conduct either to fellow J.I.Fs./H.I.Fs. or to members of the Allied Forces.

(*h*) Those who took part in the capture and handing over to the enemy of any British or Allied subject.

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(*i*) I.O.Rs. who became officers in I.N.A. and took a leading part against us in battle, including front line intelligence duties.
(*j*) Fujiwara volunteers.[1]

Numbers involved in trials are about 600. Evidence for trial is available against about another 1,400, but there are considerable practical difficulties in carrying out trial by Court-martial of so many men. These, together with another 5,600 "BLACKS", against whom sufficient evidence for trial does not exist, will be dismissed from the Army and detained under Ordinance IV of 1944 as a danger to security. Punishment for the offences for which "BLACKS" will be tried is either death or transportation for life, and in the event of conviction, it is obligatory on Court to award one of these punishments. It will, however, be open to the confirming officer to commute either of these sentences to a period of imprisonment. In order to ensure that the same standards apply in every case and in order to limit the number of executions, it is proposed that death sentence shall only be confirmed in the categories of cases specified below:—

(*a*) Any person actively instrumental in causing the death of any British or Allied subject, whether in or out of battle.
(*b*) Any person responsible for the brutal treatment of any British or Allied subject.
(*c*) Any person taking a responsible part in the capture and handing over to the enemy of any British or Allied subject.
(*d*) The senior officer, V.C.O. or I.O.R. of any party of over ten in number which deserted to the enemy and joined the I.N.A.
(*e*) Any person who accepted an appointment as a member of Bose's Government.
(*f*) Any officer of rank of substantive Major and above in the Indian Army who joined the I.N.A. and took a prominent and active part in furthering opposition to the Allied war effort.
(*g*) Any person who held the rank of Colonel and above in the I.N.A. and took a prominent and active part in furthering opposition to the Allied war effort.
(*h*) Officers and V.C.Os. who were Fujiwara volunteers.

It is estimated that death sentences may be carried out in approximately 50 cases. In the remaining cases, the sentences will be commuted to varying periods of imprisonment.

Under Ordinance XXXVI of 1943, I.C.Os. will forfeit pay from date of capture until date of dismissal. Pay of K.C.I.Os. cannot be forfeited under the Army Act. Only a few officers are involved, but we will address you very shortly on the question of taking powers similar to those under Ordinance XXXVI of 1943.[2] Pay of I.O.Rs. during period they were prisoners of war

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will be forfeited under Section 50 (2) (*a*) of Indian Army Act, 1911, and we propose to take power by Ordinance for forfeiture of their pay from date of recovery from the enemy to date of dismissal. "BLACKS", by virtue of dismissal, will automatically forfeit pension or gratuity in lieu of pension. They will also not be eligible for war gratuities under A.I. (I.) which is in draft.

PART II

3. "GREYS".—This category will include at either end of the scale a small number who will probably be "WHITE" or "BLACK". In view of the strong reaction which their presence in units might provoke amongst serving men and the danger to the integrity of the Army which they might present, "GREYS" will be discharged under I.A.A. Rule 13 (B) "services no longer required". They will forfeit pay for period spent as prisoner of war (including time spent as J.I.F./H.I.F.) under I.A.A. Rule 158, but, as an act of grace, we will issue executive orders excluding from forfeiture family allotments made during this period. They will not be eligible for war gratuities under A.I. (I.) which is in draft. Again, as an act of grace, leave with pay for 42 days will be given to them prior to discharge.

The cost of the two concessions proposed above will fall on His Majesty's Government under the Financial Settlement.

In addition "GREYS" will be allowed ordinary pension in respect of service excluding period spent as prisoner of war.

4. 'WHITES".—They will be treated exactly as other recovered prisoners of war and will continue to serve in the Army.

5. It will be seen that we propose to treat with leniency those J.I.Fs. and H.I.Fs. who have not taken a leading part but who may be presumed to have yielded to enemy pressure or to the example of their officers. The considerations on which this policy is based are set out in the draft Press communiqué in Part III.

PART III

6. It is desirable that our policy should be announced publicly. Text of proposed communiqué runs as follows:—

Begins. The Government of India have decided to treat with mercy and generosity the rank and file of those soldiers who yielded to pressure and who

[1] Men captured in Singapore and joining a force raised by the Japanese Colonel Fujiwara.

[2] In tel. 20328 of 13 September, following an urgent request from the Governor-General (War Dept.), Lord Pethick-Lawrence directed the promulgation of an Ordinance under the India and Burma (Emergency Provisions) Act of 1940 to provide for the forfeiture of pay of K.C.I.O.s. L/PO/10/25.

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were so misguided as to join the forces raised by the enemy. But they will allow the law to take its course and will try by Court-martial the leaders and those who were guilty of particularly heinous crimes.

The offence of going over to the enemy and fighting against his former comrades is the most serious that a soldier can commit. It is punishable with death by the laws of almost all countries, and those who have committed this offence and been recaptured can claim no rights as belligerents or prisoners of war. The Government of India feel however that allowance must be made for the circumstances in which the rank and file found themselves placed after their capture in Malaya and Burma. From that date they were in no position to learn the truth of the progress of the war or to hear any news but false and propagandist Japanese reports. Some of them were misled by this propaganda or gave way to pressure or the desire for better treatment and joined the enemy with no motives beyond an immediate improvement in their living conditions. Those men therefore who seem to have been merely misguided—and they are the great majority—will be treated with clemency. There can, of course, be no question of retaining in the Indian Army anyone who has violated the soldiers' code and betrayed his companions. Men of this category will therefore be discharged, but, as an act of grace, they will be given leave with pay for 42 days, and will not be required to refund the allowances paid to their families during the time they were in Japanese hands and in Japanese pay.

This will be the treatment of the majority of those who joined the enemy. But there are some who were so imbued with enemy propaganda that their immediate release would be a danger to security. These men will be dismissed from the Army and kept in detention until they can safely be released.

There remain those to whom, if the facts against them are proved, it would be wrong to extend clemency. Among them are some who are alleged to have killed their former comrades, or to have been responsible for the capture or torture of Allied soldiers, and some leaders who appear to have consciously embraced the Japanese cause. For these men there can be no alternative but to allow trial by Court-martial to proceed.

It is well to remember that the behaviour of all these men makes more glorious by contrast the courage and endurance of those brave soldiers, the great majority of the prisoners of war, who stayed true to their salt and stubbornly resisted the efforts of the enemy to undermine their fidelity. *Ends.*

7. Matter is very urgent and His Excellency the Viceroy proposes to take case in Council if possible before 18th August. We should therefore be most grateful if your comments, if any, are telegraphed to us with the least possible delay.

8. Viceroy has seen.

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Cabinet

India and Burma Committee. Paper I.B. (45) 3

L/P&J/10/20: ff 216–21

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *11 August 1945*

I invite the Committee to consider the two telegrams dated 6th August (No. 1254–S and 1255–S, separately circulated)[1] in which the Viceroy reports the views of Governors on the Indian political situation, as expressed at the Conference held on 1st and 2nd August, and his own comments and recommendations thereon. The chief issues are as follows:—

THE CENTRAL GOVERNMENT

The Viceroy agrees with the Governors that it would be impolitic, in face of Mr. Jinnah's attitude (obstructive though it is considered to be), to go ahead with the political reconstruction of the Executive Council but without the co-operation of the Moslem League. While I think it would be undesirable to give Mr. Jinnah the impression that there is no possibility of our adopting this course, I think it must be recognised that to do so would be to run the risk of communal trouble of the first magnitude. These risks would in my view not be worth taking, at any rate in respect of an interim solution.

While Governors think the Viceroy should carry on with the present Council (subject possibly to minor changes) the Viceroy himself is attracted to the idea of a reorganisation of the Council on an "efficiency" basis and wishes to think the matter over before making any recommendations.

ELECTIONS

The Governors are nearly unanimous in favour of the holding of general elections in the coming cold weather for both the Central and the Provincial Legislatures, and the Viceroy asks for authority to take the necessary steps for this purpose. The Governor of the Punjab (the province enjoying the most stable ministerial government under the 1935 Act) is nervous of the effect on the relations in the Punjab between the Unionist Party (primarily Moslem but not adhering to the Moslem League; it is the mainstay of the present Ministry) and the Moslem League, which is anxious to assert its authority over all Moslems in the most important Moslem Provinces. Only fresh elections can show where

[1] Nos. 5 and 6.

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the balance of power lies between the Unionist Party and the League, but the process is likely to be a disturbing one in the Province. It is probably to defer the evil day that the Governor would prefer the Provincial election to be postponed for a year.

THE CENTRAL LEGISLATURE

Here a general election is much overdue. The Legislative Assembly with a normal life of three years is now over ten years old; the Council of State, with a normal life of five years, is eight years old. The life of either House has been extended by the Governor-General for yearly periods under the powers conferred by proviso (*b*) of section 63 D of the Ninth Schedule to the 1935 Act. The extensions made during the war were made for reasons common to India and this country, i.e. to avoid interference with the war effort, which in India would be accentuated by the danger of communal disturbances. The extensions made in the case of the lower House before the war were made in the expectation that the Federal provisions of the 1935 Act (which envisage a Central Legislature on a wider franchise than at present) would shortly be brought into operation.

The advantage of fresh elections to the Central Legislature is problematic, partly because they must be carried out on the more limited franchise of the 1919 Act (see Appendix I), partly because the election of a new Council of State cannot be held before next April. But I advise that while informed of these doubts the Viceroy should be allowed to proceed, if he thinks that Provincial elections would not suffice.

THE PROVINCIAL LEGISLATURES

The normal five-year life of these Legislatures expired early in 1942; it was extended by Parliamentary legislation (the India and Burma (Postponement of Elections) Act, 1941).

There is a strong case for the holding of provincial elections as a preliminary to the restoration of ministerial government throughout India. (At present it is in force only in four Provinces—the Punjab, Assam, Sind and the North-West Frontier Province.)

THE SPECIAL CASE OF BENGAL

The case is especially strong in Bengal, where the Governor was obliged to take over the administration at the end of last March under the special powers conferred by Section 93 of the Government of India Act.[2] It is the considered view of the Governor and the Viceroy that a stable government cannot be formed in the present state of the parties in Bengal and that the only remedy lies in the reconstitution of the legislature by a fresh general election. This can-

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not be held until late in the year; it will therefore, so far as can be foreseen, be necessary to keep the Section 93 proclamation in force for more than six months from its original date, and this requires the approval of a resolution by both Houses of Parliament. In view of the September recess it will therefore be necessary to carry these resolutions through before Parliament rises in August, and I hope to secure the necessary Parliamentary time for this purpose.

THE FRANCHISE UNDER WAR CONDITIONS

If elections are to be held the Viceroy urges that before the September recess endeavour should be made to secure the passing by Parliament of a Bill (now almost ready in consultation with Parliamentary Counsel) designed to prevent electors losing their vote through the loss of their residential qualification as the result of absence on war service. I attach as Appendix II an explanatory memorandum on the Bill and would invite the concurrence of the Committee in my introducing the Bill as soon as possible. Even if the Bill could not be carried through all its stages before September it might at least be got through the Lords, and the knowledge that it would probably become law in October would assist the authorities in India in the preparation of the electoral rolls.

RELEASE OF DETENUS, ETC.

I think that we should welcome the measures proposed in paragraph 6 of the Viceroy's telegram 1254-S to modify the detentions and restrictions at present in force. I propose, however, to ask the Viceroy for further details about the categories and numbers who will remain after these measures have been taken and whether he has in mind any new proposals for dealing with them.

I attach (Appendix III) a draft telegram to the Viceroy for the consideration and approval of the Committee.

F. W. P. L.

Appendix I to No. 18

NOTE ON THE (CENTRAL) INDIAN LEGISLATURE (CONSTITUTED UNDER THE GOVERNMENT OF INDIA ACT, 1919)

[*This Appendix is omitted.*]

Appendix II to No. 18

THE INDIAN FRANCHISE BILL: EXPLANATORY MEMORANDUM

[*This Appendix is omitted.*]

[2] See Vol. V, Nos. 349 and 352.

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Appendix III to No. 18

DRAFT TELEGRAM FROM SECRETARY OF STATE FOR INDIA TO THE VICEROY

IMMEDIATE

Superintendent Series. Your telegram of the 6th August, 1255-S. Governors' Conference.

2. Your paragraph 2. H.M.G. note your view that there is little if anything to be gained at the moment by any move on the part of H.M.G. designed to force Jinnah to abandon his present attitude. They can but hope that the pressure of opinion in India will be strong enough to make a change of attitude inevitable.

3. Executive Council. H.M.G. note that you will report again after further reflection.

4. Elections in the Provinces. H.M.G. agree with your recommendations for the holding of elections in the coming cold weather. As regards Bengal in particular they have noted Governor's view that fresh elections offer only hope of formation of a stable ministry and it follows that Parliamentary approval must be sought to continuance in force of Section 93 proclamation beyond 30th September. Probably elections must equally precede resumption of ministerial government elsewhere; but it will of course remain incumbent on a Governor to revert at any time to normal constitutional arrangements if prospect of a ministry satisfying the requisite conditions should materialise.

As regards the War Franchise Bill I shall make what progress I can this month but cannot guarantee that it will become law before October. But even if it should not get beyond the Lords in August I presume that expectation that its provisions will shortly be placed on Statute book will be a guide to authorities in their preparations for elections.

5. Elections for Central Legislature. Advantages to be gained by holding fresh elections on the limited 1919 franchise seem open to question and full effect will in any case be postponed by delay in elections for Council of State. Would the needs of the situation be adequately met by holding Provincial elections only? If however in your considered view it is essential to hold elections also for the Centre even though of necessity on the 1919 basis H.M.G. agree that you should do so.

6. Release of detenus etc. H.M.G. welcome liberalising steps proposed in paragraph 6 of your telegram 1254-S. They would, however, be glad if you would provide them as soon as possible with an up-to-date statement of the numbers of detenus remaining in each of the categories given in paragraph 2 of your telegram 465-S[3] of 12th March and also fuller details of the reasons for

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their detention. They would also welcome your views as to whether it would now be possible to adopt any new method of dealing with them. Numbers as last reported to my precedessor were substantial.

7. Your paragraph 7. H.M.G. are interested in tentative proposal for Development Council but agree that no announcement should be made now and will await fuller details.

[3] Vol. V, No. 306.

19

Mr Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *11 August 1945*
Received: 18 August

I understand it has been a regular practice for the Secretary of State to correspond privately with you and your predecessors and if you are agreeable I shall be very glad to continue this practice, which I am sure will be useful and helpful to us both. I understand that this correspondence is on the basis that we are neither of us officially committed by what passes between us, but that our letters are rather a substitute for personal contacts of the kind which would take place if we were not separated by distance. I shall continue the practice of including paragraphs put up by the Department relating to official matters and I presume that the more personal part of the correspondence will be kept in your private records and not made known to anybody but your closest advisers.

2. I have only been in office a week and I have not had time yet to do more than begin to find my bearings. I should therefore like to take some more time before I write to you even tentatively my general reflections on the problems which face us, but if you feel disposed to let me know through this channel how your own mind is turning in regard to the main constitutional problem I should be very glad to have your views as soon as may be. The Labour Party is of course, both by its convictions and by its public utterances, committed to do its utmost to bring about a settlement of the Indian problem. I know too well how many have set out with high hopes in this direction and have found themselves frustrated. I feel sure that my colleagues will welcome your proposal to hold elections, which I am supporting to them in a paper which should be considered within the next few days. We shall await your proposals about the reconstitution of your Executive. On this I need only say that I have never regarded the present personnel as particularly effective and I sympathise with

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your desire, if you cannot have a real "political" executive, to have one which is efficient for its task. But the present Executive, or any modification of it, can only be an interim affair. I feel that we should now bend our minds to the steps which can be taken to promote a final settlement.

3. I am also exercised in my mind about the number of persons who are detained in India without trial. Both I personally and my Party as a whole have a natural dislike of such exceptional measures though we have recognized to some limited extent the need for them in wartime.

When I was in India in 1926 I had several long talks with Lord Lytton, Governor of Bengal, and I subsequently discussed the matter with the Viceroy, Lord Irwin, so that I am acquainted with the grounds for not trying persons whose friends may terrorise witnesses and substituting for trial preventive detention. But the supreme difficulty of this course which increases with its prolongation, has always seemed to me to be that whereas a person sentenced by a Court (except to death) becomes a free man at the end of his sentence a detained man has no such limit put upon his imprisonment, and there is no particular reason why he should be released at any date. Yet quite clearly he cannot or ought not to be kept in prison for life.

I feel sure that you will have already given most careful thought to this and other aspects of this thorny problem and it will be of great value to me if you will give me an indication of how your mind is working with regard to it.

[Para. 4, on the impending retirement of the Maharaja of Nepal, and para. 5, on the winding up of a Study Group chaired by Sir O. Caroe, omitted.]

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Field Marshal Viscount Wavell to Mr Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET

No. 30 THE VICEROY'S HOUSE, NEW DELHI, *12 August 1945*

Hostilities against Japan are likely to end about six months earlier than my Departments here expected, and there will be a good many problems for which we are not yet fully prepared. As soon as the demand for munitions stops, the Ordnance factories will be idle, and a very large labour force will be out of work. The same difficulty will arise to some extent in private industries doing war work, though some of them (e.g., the cotton textiles industry) can continue to work multiple shifts to meet civilian needs. We had hoped to be able

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to see the end coming in time to taper off production and the change from war to peace would have been less of a shock. Another immediate problem will be the winding up of the Supply Department contracts. An elaborate procedure has been worked out for the application of break clauses, and for payment for half finished products and raw materials. But I shall be surprised if in Indian conditions this procedure works smoothly. Many other problems will occur to you, and apart from those concerned with the winding up process we have to consider the resumption of peace-time activities curtailed or suspended during the war, and our various development schemes. My Central Departments which have worked under great strain during the war years, and are not very well staffed, are in for a bad time. I will do what I can to see that the most urgent problems are dealt with systematically. I have written to Provincial Governors drawing their attention to the probable effect of this sudden ending of the war, for the Provinces will have similar problems of their own.

2. The political situation is unchanged. I hope before this letter is despatched to have your views on the proposals I made after the Governors' Conference for early Central and Provincial elections. Both the Muslim League and the Congress profess themselves ready for a trial of strength, but I doubt if the Congress are really very keen. Opinions differ about the probable result of elections in the Muslim constituencies. The Commander-in-Chief told me a few days ago that the general view among the Muslims seemed to be that Jinnah would win almost all the seats if elections were held immediately, and would do less well if they were postponed for a year. As I said in my last letter[1] I think Jinnah would win most of the seats now, but I am not sure that postponement would worsen his position. The League organisation is poor—the leaders are mostly men of some social standing and do not trouble themselves much with mass contacts and local committees—and the election results might be better from Jinnah's point of view if he had time to raise money and create an efficient organisation. He has appealed for Rs. 14 lakhs for election expenses, and is reported to have received Rs. 1 lakh from Bombay. Jinnah and his followers are still attacking the Congress, and are pressing for the publication of the correspondence which passed between Azad and myself during the Simla Conference. Azad wished to publish it,[2] but I told him[3] I would prefer him not to do so as the only letter of any importance in the series was one[4] forwarding the Congress list of names for the Executive Council, and I had undertaken in the Conference to keep the party lists secret.

The Congress are taking what they profess to consider a conciliatory line. They are probably waiting to see what the Labour Government will do, and if they are not satisfied within a reasonable time will start active agitation again. For the moment they are concentrating on the "constructive programme",

[1] No. 4. [2] See Vol. V, No. 610. [3] See Vol. V, No. 613. [4] Vol. V, No. 572.

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and there has been much publicity for "Liberty Week" which is now in progress, and is intended largely to honour the so-called "martyrs" of 1942. Some newspapers had the impertinence to say that this celebration, which involves the glorification of people who from our point of view are murderers and saboteurs, and the abuse of officials, was entirely in accordance with the injunction in my broadcast of 14th June to "forgive and forget". Nehru has continued his injudicious speeches, and is still referring to the 1942 disturbances as the greatest event in India since the Mutiny. The Congress leaders are difficult people to deal with. They are outwardly very reasonable when one meets them, but in dealing with their followers they have no balance or sense of proportion; and the Hindus who dominate the party machine are bitterly hostile to Muslims who are not Congress members, or at least associated with the Congress. I think Nehru is trustworthy in the sense that he would not deliberately deceive, or break his word, but he is unbalanced and unreliable. The other Congress leaders I have met are, I should judge, neither trustworthy nor scrupulous, as we understand such terms; and whatever they may profess at any given time, they all have at the back of their minds ultimate Congress, that is Hindu, domination. I am not surprised that Jinnah is apprehensive of them.

3. I gave much thought to the Chimur and Ashti and other murder cases arising from the 1942 disturbances, about which I telegraphed to you[5] a few days ago recommending commutation. There is, I fear, an impression in some quarters at home that the accused in cases of this kind are patriots who have risen only after grave provocation. This is usually very far from the truth. In all the six cases discussed in my telegrams, determined attacks were made by riotous mobs, urged on by a few people of some education or standing, on small groups of Government servants in remote places. The two victims in the Fatwa case were Pilot Officers of the R.A.F. who happened to be travelling by train. There is little doubt that in all the cases the men whose death sentences were finally upheld were the actual murderers, or the ringleaders of the mobs concerned. On the merits therefore there were no grounds for clemency, but I felt obliged to hold that after the long delays which had occurred we could not carry out the death sentences. I wish I could think of some way of avoiding similar delays in future. The Indian procedure, which involves commitment by a Magistrate, trial by a Sessions Judge, and confirmation of death sentences by a High Court, is cumbersome in itself, and when the chances of intervention by the Federal Court and the Privy Council are added even a normal trial from first to last must take several months. When lawyers for political ends employ every possible device for procrastination, the position becomes almost intolerable. Something would be gained if we could cut out the appeal to the Privy Council—in the great majority of cases leave to appeal is refused—but public opinion in India would not at present accept this (though I understand

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all Dominions have abolished appeals to the Privy Council in criminal cases); and I can see no easy remedy.

I told you in one of my telegrams that Gandhi was interesting himself in cases which were not political, and I have just replied[6] to a telegram from you[7] about Mahendra Choudhury, the man who was recently hanged for dacoity with murder in Bihar. Gandhi wrote to me about him at the instance of Rajendra Prasad, and I am not sure that he realised what the facts were. He was peevish when I told him that I had rejected the mercy petition; and Patel later made the statement which was reported by Reuters to London. I am a little puzzled at the Congress interest in this case. Bihar was very seriously affected in 1942 and there may have been some connection between the orthodox Congressmen and the ordinary criminals. Alternatively Mahendra Choudhury may have been a member of the Congress, whom the local leaders felt obliged to help. But the crime for which he was convicted was not on the face of it a political crime, and there was nothing in the evidence to suggest that the proceeds of the dacoity would have been used for any political purpose. The dacoits attacked the house of a fairly well-to-do villager who was giving a party for a wedding; they presumably expected to make a good haul of the property both of the host and of his guests. Gandhi has today put out one of his typically ambiguous statements on the execution; I enclose a cutting in this bag,[8] as it is rather characteristic of the Mahatma's style.

4. Pressure continues in Bengal for the immediate establishment of a Ministry which would be a temporary alliance between Fazlul Huq and some Congress and possibly Mahasabha Hindus. You have already had my views[9] on this and I need not repeat them.

In other Provinces there is not much doing. In the N.-W.F.P., Cunningham tells me that Khan Sahib would welcome an election. He probably feels that having recently ousted the Muslim League Ministry he will be able to defeat them in the constituencies. In the Punjab on the other hand I think Khizar would like to hang on as long as he can. I am not sure that he is wise, for at present neither the Unionist nor the League Muslims are highly organised, and the League may be able to get a regular party machine going quicker than the Unionists. It would not take much, I fear, to make Khizar give up politics and retire to his estates. Few of the landowner type will come out and stand up to the hard knocks of politics.

5. I have told you of the general anxiety about the monsoon. Rainfall has been short in Bengal and Orissa, as well as in Bihar and the Eastern U.P. and

[5] No. 13.

[6] Tel. 1289-S of 12 August which confirmed that the Choudhury case concerned a normal type of dacoity with no political implications. L/P&J/7/7611: f 24.

[7] *Ibid*: f 30. [8] See Enclosure to No. 21.

[9] Tels. 1247-S and 1248-S of 3 August. L/PO/10/25.

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parts of Madras, and in Delhi we have had very little rain. (Since the above was written, we have had two good falls, but we want more.) I gather that conditions in the Punjab are unsatisfactory, and we may be in for a poor Kharif harvest. My main anxiety is for the *Aman* rice and I hope that if necessary you will be able to help us with rice from Burma and Siam. The monsoon is never satisfactory all over India, and there are certain districts, e.g., in Bombay and Madras, which suffer frequently from crop failure. What we have to fear is a really widespread failure of the monsoon for which there is no remedy except abundant imports.

[Para. 6, on the cloth position; para. 7, on a proposed visit of a Ministry of Supply mission to India; para. 8, on the reoccupation of the Andamans; and para. 9, on the Bhakra Dam and Damodar projects, omitted.]

10. We had a discussion in Council on 7th August about the industrialisation of Nepal. The Nepal Government are anxious to develop industries in the Terai, and would like us to extend the free customs corridor, which is at present available for goods delivered at Khatmandu, to the Terai. Their object is not of course to cater only for Nepal; there is no doubt that they would like to export manufactured goods to India as well. We have therefore to be cautious, but we would like to have the Nepal rivers, some of which do a good deal of damage in British India, controlled and developed for hydro-electric power, and we also have considerable obligations to Nepal for the help given us during the war. Council decided that we must help Nepal as much as we could, and try to persuade them to undertake hydro-electric development; also that we should enlarge the free customs corridor so as to permit the import of goods—especially capital plant—into the Terai within reasonable limits. There was a good deal of discussion about what the limits should be, but the general view was that we should not give concessions much in excess of Nepal's own requirements, though the possibility of allowing the customs concession for selected industries of general importance might be considered. Council agreed to raise the annual "present" to Nepal which now amounts to Rs. 10 lakhs to Rs. 20 lakhs, and that a part of this sum should be capitalised. My External Affairs Department will now work out detailed proposals in consultation with the other Departments concerned. I understand that the negotiations with Nepal may easily take some years.

Council also discussed on the same date the future of our Information and Broadcasting Department, and favoured its retention after the war as a separate Central Department, though there was a good deal of feeling that the individual Departments should have regular Public Relations sections, and that sections of this kind which already exist should be strengthened.

11. I had a talk today with Dalal about his visit to the U.K. and the U.S.A.

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Sir E. Jenkins to Mr Turnbull

L/P&J/7/7611: ff 1–4

No. 423 (15) THE VICEROY'S HOUSE, NEW DELHI, *13 August 1945*

My Dear Turnbull,

His Excellency has mentioned in his weekly letter[1] to the Secretary of State Gandhi's statement about the hanging of Mahendra Choudhury, and has asked me to send you the relevant cutting from the *Hindustan Times* of 13th August, which I accordingly enclose with this letter.

2. The statement is typical of Gandhi at his most tiresome. It falls into the following four parts:—

(1) Gandhi was 'shocked to learn' that Mahendra Choudhury had been hanged. As the Viceroy informed him on 17th July that he had rejected Mahendra Choudhury's mercy petition, Gandhi was well aware that Mahendra Choudhury would be hanged, and the suggestion to the contrary is disingenuous.

(2) Gandhi then states what he conceives to be the Government case. As always, his argument is difficult to follow. He believes that Government did not regard Mahendra Choudhury's offence as political, and would argue that "many professionals" (*Sc.* professional criminals) "use political ferment for their own ends". They might feel that no Government could "let such crimes go unpunished". The authorities held Mahendra Choudhury "to be implicated in such a dacoity", and for these reasons he was hanged. It is not clear whether Gandhi thinks or professes to think that Government regarded the dacoity as a political one, or Mahendra Choudhury as a political or a professional dacoit. What he means by "such a dacoity" the reader is left to guess.

(3) Gandhi goes on to summarize the popular view. This is that Mahendra Choudhury did not take part in the dacoity at all, that he was tried a long time after the event, and sentenced on doubtful evidence "upon the whim of the judge or judges". The judges were "as often as not biased", whatever that may mean. If the popular view is right—and we are left to guess whether Gandhi thinks it right or not—the hanging of Mahendra Choudhury was a judicial murder.

(4) Gandhi thinks that there ought to be an enquiry into the truth, apparently by "a body of utterly impartial lawyers".

[1] No. 20, para. 3.

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3. All this ignores the facts that the record contains no mention of politics from end to end, that Mahendra Choudhury was convicted and sentenced to death after a very detailed trial, that the High Court confirmed the sentence in a detailed order, and that the Privy Council subsequently refused leave to appeal.

4. We do not know what Mahendra Choudhury's connection with the Congress is. Rajendra Prasad put Gandhi up to supporting his mercy petition to the Viceroy, and Rajendra Prasad may have been under social pressure of the kind familiar in India. Alternatively Mahendra Choudhury may have been a member of the Congress or he and his associates in the dacoity may have been subscribers to Congress funds. The motives behind the statement are a matter of inference, but it shows the attitude of Gandhi and the Congress to crimes of the most ordinary kind in which they happen to take an interest. You will remember that the dacoity occurred during a wedding party at the house of a substantial villager when the dacoits presumably expected to pick up a good deal of cash and property.

Yours sincerely,
E. M. JENKINS

Enclosure to No. 21

Cutting from the Hindustan Times *of 13 August 1945*

EXECUTION OF M. CHOUDHURY

Mahatma Gandhi's Statement

SEVAGRAM. Aug. 12—Mahatma Gandhi has issued the following statement:

"Those, like me, who were interested in saving Mahendra Choudhury from the gallows were shocked to learn that he was hanged in the Bhagalpur Central Jail on August 7. Those who remain behind will have to know that many more such tragedies will take place. Only we must learn the lesson of each.

"Let us then now dispassionately learn the lesson of this accomplished death sentence.

"The first is the Government side. They do not call it a political act. Many professionals use political ferment for their own ends. The Government, whether truly national or foreign, would not let such crimes go unpunished. The authorities in this case held Mahendra Choudhury to be implicated in such a dacoity and, therefore, they allowed the sentence to take the extreme course.

POPULAR SIDE

"Now for the popular side. They know that Mahendra Choudhury was a young man of 25. He had no idea of taking part in the dacoity, whether professional or political so-called. He was tried a long time after the event and

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sentenced on doubtful evidence. Acceptance of the evidence and verdict depended upon the whim of the judge or judges. At the time, the judges were, as often as not, biased.

"If the popular belief is founded on fact, the death was a murder more reprehensible because it is judicial. Who can find the truth except a body of utterly impartial lawyers? They have to do so from recorded evidence and judgments of original and appellate courts.

"Let us neither be carried away by sentiment nor lazily forget the incident now that Mahendra Choudhury is no more. If the Government at all care for public opinion and would not rest on the overwhelming force they have at their disposal and if they are equally interested, they will associate themselves with the public in finding out the truth".—U.P.I.

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Cabinet

India and Burma Committee. Paper I.B. (45) 1

L/P&J/10/20: f 228

MEMBERSHIP AND TERMS OF REFERENCE

NOTE BY THE SECRETARY OF THE CABINET

CABINET OFFICE, S.W. 1, *13 August 1945*

The Prime Minister has reconstituted the Committee with the following membership:—

The Prime Minister (Chairman)
*The Chancellor of the Exchequer
The President of the Board of Trade
The Secretary of State for India and for Burma
The Secretary of State for Air
The Minister of Education
The Postmaster-General

*for financial questions only.

The terms of reference of the Committee are:—

To consider, and report to the Cabinet on, constitutional problems in India and Burma and such other major questions of policy (including financial questions) in respect of India or Burma as may be referred to it.

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The Secretaries will be:—

Sir Gilbert Laithwaite, Cabinet Office.
A Secretary to be nominated by the India Office or the Burma Office according to the nature of the business.

E. E. BRIDGES

23

Mr Pethick-Lawrence to Mr Attlee

L/P&J/8/524: f 214

INDIA OFFICE, *13 August 1945*

Secretary of State's Minute: Serial No. 2/45

Prime Minister

I had been expecting a meeting of the India Committee to-day or tomorrow which would, I had hoped, endorse a recommendation made by the Viceroy that Provincial—and possibly Central—Elections should be held in India this winter. On this basis, I intended to arrange for the introduction (subject to its approval by the Legislation Committee) in the House of Lords on Wednesday of what ought to be a non-controversial Bill to prevent electors losing their vote through the loss of their residential qualification owing to absence on war service. It will also be necessary to get Resolutions passed, before Parliament rises, to extend the Section 93 regime in Bengal, which comes to an end on September 30th.

I understand that in present circumstances an early meeting of the India Committee is unlikely. But it is still vitally necessary that I should proceed with my plans in respect of parliamentary business, which has to be undertaken independently of the decision about the date of elections; (I imagine however that the India Committee would be unlikely to reject the recommendation of the Viceroy and Governors that elections should be held).

May I, therefore, have your authority for proceeding in the normal way with such parliamentary action as is necessary to meet the Viceroy's requirements? I should like also, in default of an early opportunity to consult the India Committee, to have your authority to instruct the Viceroy to arrange for the holding of Provincial elections at any rate: unless the necessary preliminary work is put in hand in the next few days it may cease to be practicable to hold elections this cold weather.

F. W. PETHICK-LAWRENCE

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Mr Attlee to Mr Pethick-Lawrence

L/P&J/8/524: f 213

10 DOWNING STREET, WHITEHALL, *13 August 1945*

Reference: Secretary of State for India's Minute Serial No. 2/45 dated 13.8.45. Yes. I had no notice from you that an early Meeting of the India Committee was needed.

The preliminary work for holding of elections can go ahead prior to any final decision as to holding elections. I am prepared to call a meeting of the Committee whenever you wish.

C. R. A.

25

Sir M. Hallett (United Provinces) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/274: ff 53–4

SECRET *14 August 1945*

No. U.P. 262

2. Politically, the province seems quiet and "Liberty Week"[1] seems to have passed off without any trouble; it has rather been put in the shade by the atomic bomb and peace negotiations. I have of course been criticised for the ban on meetings and processions and on Martyrs' Day celebrations, but I think myself that the more reasonable Congress men rather welcomed my orders, which enabled them to comply with Azad's instructions and keep the more violent members from indulging in any provocative demonstrations. Here in Allahabad, which was one of the towns of which I was most apprehensive, no spectacular demonstrations were held and Ibbotson who spent most of the 9th visiting ration shops in the town, found every one very friendly and no signs of Congress activity; even students appear to have done very little. The official report of August 4th[2] indulged in the rather pessimistic anticipation that it was unlikely that Azad's circular would be obeyed owing to the influence of Purushottamdas Tandon, who was not averse from prejudicing the main issue by provoking a clash with authority; that has turned out to be quite incorrect; there are, I gather, quarrels in the Congress camp here and the Collector tells

[1] Called by the Provincial Congress leaders for the week 9–16 August. A 'Kisan Day', 'Labour Day', 'Women's Day', 'Students' Day', 'Martyrs' Day', 'Harijan Day' and 'Quit India Day' were celebrated.

[2] i.e. the U.P. Chief Secretary's Report. L/P&J/5/274: ff 57–9.

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me that in consequence of this their stock is rather low. The official report[3] also seems to me a little unduly pessimistic about the enquiries into the 1942 disturbances and about the work of the fact-finding committee, when it says that "members of the party from the highest to the lowest not only do not condemn the 1942 disturbances but regard them as a battle made possible by the Congress party and fought successfully, as events may prove, to vindicate it". I have seen reports from all districts and my general opinion is that the attempts to collect evidence are rather futile and that there are very few who are really doing much. Of course much depends on Nehru's attitude and I notice that in a recent speech he again referred to the use of bombs, machine guns and *lathis*; as you realised, he is apt to be carried away by his words. Gandhi's recent reference to the dacoit who was hanged in Bihar is also troublesome and his criticism of the judges seems to be almost contempt of court. I agree with your policy about the Chimur prisoners about which you informed me in a telegram; I discussed the case of our prisoners who are under sentence of death to which you refer, with my I.G. Police before I came to Delhi, and he thought that provided they were not released, commutation of the death sentence would have no bad effect on police morale; I forgot to tell you this when in Delhi but it shows that the policy you propose to adopt is open to no objection. However, the main point is that we must find constitutional activities for the agitators and I am more than convinced that election is the first step.

[3] The reference is to the Chief Secretary's Report for 20 July 1945. *Ibid*: ff 60–2.

26

Mr Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/610: ff 23–4

INDIA OFFICE, *15 August 1945, 5.10 pm*

18107. Your telegrams of 11th August, 1279–S and 1280–S.[1] I note your conclusion that commutation of death sentences in six cases to transportation for life is now advisable and that you propose to issue no special explanatory statement but to observe the normal procedure so far as concerns publicity. I agree with both your decisions.

2. I fully appreciate force of the arguments in your 1280–S of allowing the law to take its course in all these cases. Nevertheless in view of all the circumstances I accept your conclusion. I agree that the Jaunpur case can be differentiated from the others both in respect of the circumstances of the crime and in

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process of law involved. The delay is not so excessive in this case and I am informed that application to Privy Council for leave to Appeal has still to be lodged. But I agree that it would not be possible to single out this individual case for an opposite decision.

3. I recognise that as pointed out in sixth [numbered point in para. 1] of your 1280–S, commutation is likely to be interpreted by Congress sympathisers as a political victory. If this should be so I do not see how it can be avoided but I am sure that you and I will be in agreement that the Governor General should not be deflected from the course which he conceives to be right by explanations likely to be given by Congress as to motives. I note further the fear expressed by you in paragraph five [numbered point fifth in para. 1] that there is a risk that if and when Congress Ministries resume office, they may seek to release these murderers on the ground that they are really political offenders. As to this and as to your concluding sentence in this paragraph you will realise that I cannot pledge the future attitude of H.M.G. in hypothetical circumstances. But I can assure you that in supporting your decision to commute these sentences I am entirely opposed to setting these men at liberty which in view of the fact that they have been duly convicted of grave crime would be contrary to my idea of justice.

[1] Nos. 13 and 14.

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Mr Pethick-Lawrence to Mr Attlee

L/P&J/10/20: f 166

INDIA OFFICE, *15 August 1945*

Secretary of State's Minute: Serial No. 3/45

Prime Minister

You will remember that it was arranged during the Coalition Government that Listowel should be present at meetings of the India Committee and receive the relevant papers.[1] I should like Henderson similarly to be invited to meetings of the India and Burma Committee and should be grateful if you would authorise this.[2]

F. W. PETHICK-LAWRENCE

[1] See Vol. V, No. 201, note 2.

[2] Later on 15 August, Mr Attlee agreed to Mr Pethick-Lawrence's request. L/PO/10/20: f 165.

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Cabinet

India and Burma Committee. Paper I.B. (45) 4

L/P&J/10/20: ff 213–14

INDIAN POLITICAL SITUATION

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *15 August 1945*

With reference to the penultimate paragraph of my memorandum I.B. (45) 3,[1] I circulate telegram No. 1288–S[2] from the Viceroy giving the numbers and categories of detenus as at the end of July, together with his recommendations regarding release policy. This renders obsolete the paragraph of my previous memorandum which relates to the release of detenus and also paragraph 6 of the draft telegram attached to that memorandum. I feel that the latest telegram from the Viceroy requires detailed consideration and possibly further discussion with him before the matter is dealt with by the India and Burma Committee, and in the circumstances I suggest that the Committee should leave over for the moment consideration of the question of detenus. I suggest, therefore, that the draft paragraph contained in the Annexure to this paper should be substituted for paragraph 6 of the draft telegram circulated with I.B. (45) 3.

In connection with telegram No. 1288–S the following notes on points of detail may be useful.

Ordinance III of 1944 took the place of Defence of India Rule 26 which was the Indian equivalent of Regulation 18B. It was promulgated under section 72 of the Government of India Act (Ninth Schedule), which gives the Governor General power to promulgate ordinances for the peace and good government of British India in an emergency.

Ordinance IV of 1944 is an ordinance of the same nature, but concerned only with the detention, in the interests of military security, of persons entering British India from enemy-occupied territory.

Regulation III of 1818 is the ancient enactment providing for the internment of State prisoners. Its preamble relates to the maintenance of alliance with foreign powers, the preservation of tranquillity in Indian States, and the security of the British Dominions from foreign hostility and internal commotion. It is used principally against Afghan absconders. The ex-Maharaja of Nabba was detained under it.

Goondas have been described as men who live by trading in every kind of human vice: chicanery, fraud, drugs, women, murder. The term is used

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especially in Bengal to denote this sort of person: the type is met in many other parts too.

Hurs are nominally Muslims, but they treat a hereditary Saint, or Pir, as divine. The late Pir Pagaro, who was executed in 1943, led this heretical sect into all kinds of excesses—debauchery, sadism, robbery and murder—and as they operated in very difficult country in Sind, a long time was taken to get their activities into control, even with the aid of Martial Law. They are a standing menace to law and order.

F. W. P-L.

Annexure to No. 28

The following is the suggested revised paragraph 6 of the telegram to the Viceroy:—

"6. Release of detenus etc. I am considering this matter in the light of your telegram No. 1288-S of 11th August and will telegraph again shortly."

[1] No. 18. [2] No. 16.

29

Sir B. Glancy (Punjab) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/248: ff 50–1

SECRET BARNES COURT, SIMLA, *16 August 1945*

No. 561

Muslim Leaguers have been indulging in much propaganda, wholesale vilification of Congress and of the Unionist Government in the Punjab. Jinnah and his supporters are loudly clamouring for general elections, a matter about which Congress appears to be comparatively lukewarm. Since Jinnah succeeded by his intransigence in wrecking the Simla Conference his stock has been standing very high with his followers and with a large section of the Muslim population. He has been hailed as the champion of Islam. He has openly given out that the elections will show an overwhelming verdict in favour of Pakistan. I must confess that I am gravely perturbed about the situation, because there is a very serious danger of the elections being fought, so far as Muslims are concerned, on an entirely false issue. Crude Pakistan may be quite illogical, undefinable and ruinous to India and in particular to Muslims, but this does not detract from its potency as a political slogan. The uninformed Muslim will be told that the question he is called on to answer at the polls is—Are you a true believer or an infidel and a traitor? Against this slogan the Unionists have no spectacular battle-cry; they can point no doubt to their consistent support of

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the War Effort, to the various reforms they have introduced, such as the vast reduction of agricultural indebtedness, and to their extensive post-war programme for the benefit of the Province. But all this may carry little weight against the false and fanatical scream that Islam is in danger. If Jinnah contrives by this campaign to consolidate his position still further, it seems to me that the difficulty of finding any satisfactory solution of the Indian problem will be greatly enhanced. Since my return from Delhi I have discussed the general situation with a wide variety of people, non-officials and officials, Indians and Europeans; the consensus of opinion is that, if Pakistan becomes an imminent reality, we shall be heading straight for blood-shed on a wide scale; non-Muslims, especially Sikhs, are not bluffing, they will not submit peacefully to a Government that is labelled "Muhammadan Raj". Hence it appears to me to be of vital importance to take action, before it is too late, to deflate the theory of Pakistan. If it is held to be impracticable to arrange for some kind of conference or commission to examine, with special reference to Post-War planning, whether we should or should not cater for one co-ordinating Central Government for the whole of India, then I am strongly in favour of something on the lines of the suggestion which Clow made recently in Delhi[1]—that some kind of clarifying announcement with respect to the partitioning of India should be given out by, or with the approval of, High Authority. Possibly this could take the form of a question and answer in the House. The Cripps' offer speaks of the right of a "Province" to remain aloof from the "Indian Union". Is the word "Province" to be rigidly interpreted to signify a Province as now defined, does it mean that, if in an existing Province there is a large contiguous area (of the size say of a Division) in which the majority are against separation, the inhabitants must be liable to severance from the Indian Union regardless of their wishes. If the reply to this question is in the negative, it will give the people in this Province very seriously to think. For in the Punjab there are two neighbouring Divisions (Ambala and Jullundur) out of our total of five, in which there is not one single district with a Muslim majority, and to this extensive area can be added the adjoining and very important district of Amritsar. The citation of this as a practical illustration might be of great help. Action on these lines would at least provide the Unionist Party with a rallying cry against Pakistan—something on which the elector could definitely bite. No Punjabi, however uninformed, would contemplate with equanimity so shattering a dismemberment of the Province involving in effect the disappearance of the word "Punjab", which has been held in honour for the last two thousand years. I am of course entirely in favour of Muslims being given adequate representation and all possible safeguards at the Centre. This, it seems to me, will amount to true Pakistan as opposed to the sinister and insensate variety which Jinnah and his supporters advocate.

[1] Cf. No. 2.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/8/524: f 207

IMMEDIATE NEW DELHI, *16 August 1945, 5.10 pm*
Received: 16 August, 2 pm

1324-S. Superintendent Series. My telegram 1288-S[1] of August 11th. Paragraph No. 6. I hope you may be able to let me have your views about elections (? in general)[2] immediately. Reasons for (? urgency) are as follows.

(1) Election procedure has been in abeyance for many years. Preparations in provinces will therefore take longer than usual.

(2) Election for Central Assembly must be completed before the end of the calendar year. Budget session is held in January, February and March and election cannot be held in or continued into these months.

(3) Period required for elections to Provincial Assemblies varies. In Bengal which is the province with largest number of Voters for Scheduled Castes primary election total period required is approximately four months. In second (sic? Section) 93 provinces provincial election should be completed by end of March or early April if budgetary inconvenience on restoration of ministries (? is to be) avoided; and in other provinces they must be completed earlier to enable new ministry to deal with budget.

(4) (? In some) provinces notably Bengal Governors will wish to hold provincial election after and not simultaneously with central election.

(5) It is therefore necessary to complete central election by the earliest possible date in December and success of proceedings can be assured only if definite instructions are given now.

(6) Both governments and (? candidates) are always strongly opposed to hot weather election for lower chambers and (? if) programme contemplated above is not repeat not carried out election will almost certainly be delayed by one year.

[1] No. 16. [2] 'almost' in Wavell Papers.

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Minutes by Mr Curson, Sir D. Monteath, Mr Henderson and Lord Pethick-Lawrence

L/P&J/7/8050: ff 5, 4

16–17 August 1945

Sir D. Monteath

The following question has been put down for Tuesday 21st August:

Major Wyatt: To ask the Prime Minister when he proposes that the India Office should be closed down.

Miss Watson at No. 10 has asked that we should suggest a reply to this. Would you please let me know what should be said?

B. R. C.
16/8

I think it was agreed in conversation yesterday that this is a question on the actual reply to which the "Office" is hardly in a position to advise.

On the underlying proposal there is, of course, a good deal to be said. To "close down the India Office" does not, by itself, mean anything except to deprive of his official staff whatever Minister is charged with the conduct of H.M.G.'s affairs with & in relation to India. Even when "control" of Indian affairs is wholly transferred to Indian hands there will still be relations between H.M.G. & India to be conducted by some Minister; & perhaps the S. of S. would agree that these are likely to remain, even in those conditions, of such complexity (& so different from those with any of the existing Dominions) as to be a pretty full-time job for a Minister with no other responsibilities.

D. T. M.
17. viii

S. of S.

I agree with first paragraph of preceding minute.

A. H.
17.8.45

The decision not to immerse the India Of[fice] in the Dominions Office at the present moment was taken by the P.M. before I was invited to be S. of S. & it would therefore seem appropriate to me that the P.M. should frame his own reply.

But if I am asked to express an opinion on the merits it would be that to give the appearance of substituting Dominion relationship for the present relationship before making the change in reality would be regarded by many Indians as an insult to their intelligence. There was nothing in the statement made by

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the Foreign Secretary[1] which necessarily implied that this change would be made immediately on Labour taking office.[2]

P. L.
[undated]

[1] See No. 4, note 7.
[2] On 18 August, Mr Curson replied to Miss Watson by sending her a copy of Lord Pethick-Lawrence's minute. L/P&J/7/8050: f 3.
For the text of Mr Attlee's reply to Major Wyatt's question, see No. 73, para. 1.

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Secretary of State to Governor-General (War Department)

Telegram, L/PO/10/25

MOST IMMEDIATE *17 August 1945*
RESTRICTED

No. 18179. I am afraid that I cannot give you any final reply to your telegram of 11th August, No. 10234,[1] within the short period afforded in paragraph 7 for my consideration of a very complex matter which is new to me.

2. I should however say at the outset that I am much averse from a proposal to detain any persons without trial and for an indeterminate period. I understand that you are prepared to try by Court-martial 600 persons against whom there is strong evidence of one or other of the offences described in your paragraph 2. This is so large a number that I can quite understand your reluctance to hold an additional 1,400 Courts-martial for offences of the same serious character but I should find it very difficult to recommend to my colleagues in His Majesty's Government acquiescence in the detention of such a number of persons without trial. Can you give the means to bring them to trial, and I should be glad to know what is the nature of the considerable practical difficulties that you see in the way of doing so? I am naturally still more averse from the detention of 5,600 persons against whom, I understand by the fact that they have been classed as black, that there is a strong presumption of guilt no (? not) sufficient on which to bring to trial.

3. I assume that your telegram was drafted before the surrender of Japan was seen to be imminent. Does not the fact of surrender require modification of your proposals? Is not the danger to security which you advance at (? as) ground for detention under Ordinance 4, 1944, of the 7,000 blacks in question considerably lessened or generally altered in character? I should be glad to know how you now regard the danger to security of treating these men as Grey?

[1] No. 17.

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4. I am having the general effect of Japan's surrender on the validity of Indian war emergency legislation examined as rapidly as possible but in regard to the particular question of the disposal of J.I.Fs. and H.I.Fs., which I recognise to be urgent, I suggest that you send me revised proposals for my consideration with full justification of any course that you recommend for adoption which is not in accordance with the ordinary law.

5. In the light of the foregoing I should wish to reserve my comments on your proposed communiqué but make two immediate observations—

"A"—As drafted, it refers only to persons who have been in Japanese hands in Malaya and Burma and does not deal with persons in German or Italian custody.

"B"—It would seem more appropriate that the first two sentences should be transposed to a position following the fifth and that the all five [*sic*] initial sentences should be somewhat recast accordingly.

6. Viceroy should see.

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Cabinet

India and Burma Committee. I.B. (45) 1st Meeting

L/P&J/10/20: ff 205–11

Those present at this Meeting held in the Prime Minister's Room, House of Commons, S.W. 1, on 17 August 1945 at 11.30 am were: Mr Attlee (in the Chair), Sir Stafford Cripps, Lord Pethick-Lawrence, Viscount Stansgate, the Earl of Listowel

Also present were: Mr A. Henderson, Sir G. Laithwaite (Secretary)

The Committee had before them memoranda by the Secretary of State for India (I.B. (45) 2,[1] I.B. (45) 3[2] and I.B. (45) 4[3]) reviewing the outcome of the recent Governors' Conference and the steps to be taken in the light of the discussions of that Conference as regards the political position and the release of detenus; with the draft of a telegram to the Viceroy.

I. *Governors' Conference*

The Committee first considered Lord Wavell's report on the Governors' Conference and his recommendations as to the action to be taken in the light of the Governors' views, which were contained in I.B. (45) 2 and I.B. (45) 3.

THE SECRETARY OF STATE FOR INDIA said that since I.B. (45) 3 had been circulated there had been further correspondence with the Viceroy as regards

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the position of detenus, etc., on which a quantity of supplementary information had been obtained which had been circulated in I.B. (45) 4, but in the light of which he wished to propose a modification of the draft telegram to the Viceroy which in I.B. (45) 3 he had invited the Committee to approve.

THE SECRETARY OF STATE briefly commented on the main points arising out of the Viceroy's recommendations. He agreed with the Viceroy that in present circumstances, in the absence of the co-operation of the Muslim League, it would be unwise to replace the present Executive Council by a "Political" Executive Council; and that there should be provincial elections in the coming cold weather. As regards elections in the Centre, he felt some doubt as to the wisdom of elections to the Council of State and the Legislative Assembly during the coming cold weather but proposed that he should point out the reasons for his doubt to the Viceroy, and thereafter give Lord Wavell a discretion.

II. *Release of Detenus: Position of Jifs and Hifs*

A discussion followed as regards the release of detenus, and the procedure for dealing with the so-called "Jifs" and "Hifs", i.e. persons who had been soldiers and had gone over to the Japanese and fought in their army, or who had helped them in a civilian capacity.

The following points were made:—

(1) THE SECRETARY OF STATE FOR INDIA said that the Viceroy's telegram 1288-S[4] of 11th August circulated under I.B. (45) 4 analysed the position as regards detenus and other persons under restraint, and divided them into categories. He felt himself that fuller information would be desirable and he proposed to telegraph in the following terms to Lord Wavell:—

'X' "I gather that you are disposed to effect the release of the 52 persons in your category Class I at an early date. That course would be agreeable to me and H.M.G. I understand further that the cases of the 274 persons in Class II will be reviewed forthwith. If you anticipate that such review will result in some being released, others being brought to trial and possibly a third group being dealt with otherwise, I should be interested to know whether you have made any preliminary forecast as to the likely numbers in each group.

With regard to the 1632 persons in Class III, cannot this class also be now broken up into categories and dealt with? With regard to the 4910 persons in Class IV and the 3500 persons referred to in your succeeding paragraph, will you please let me have your views as to the immediate and subsequent treatment of them."

[1] This India and Burma Committee Paper circulated Nos. 5 and 6. [2] No. 18.
[3] No. 28. [4] No. 16.

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(2) It was suggested in the subsequent discussion that while the persons under detention probably contained a very substantial number of individuals who were under restraint for violent crimes of wholly non-political character, the broad test to be applied in considering the issue should be whether offences of the individuals concerned were political or non-political; and that in principle any political prisoner should either be released or tried. It was pointed out on the other hand in this connection that terrorist prisoners raised a very difficult problem, which would call for special treatment and that for good practical reasons other exceptions also might have to be made, in the special conditions of India, to any general principle that might be laid down. The recent Congress protest against an execution in Bihar had shown the extent to which a crime that on the face of it was purely one of violence might be claimed to have had as its basis a political motive.

(3) The suggestion was made that all violent criminals should be lumped together, special consideration being given to the best method of dealing with those whose action, though violent, could be shown to have been political in its origin.

(4) We were likely in the immediate future to come under strong pressure from Indian public opinion to release persons still under restraint for political reasons. It was most important that the initiative in this matter should come from H.M.G. and that any action which they took should not appear to have been forced on them by public pressure or outcry. We ought to move very quickly.

(5) THE SECRETARY OF STATE FOR INDIA described the steps which were under consideration for dealing with the *Jifs and Hifs*. The Viceroy had favoured dividing the personnel concerned into categories according to the gravity of their offence, and in the main dealing leniently with the lower ranks. Some thousands of soldiers were involved. On the Viceroy's proposals a relatively small number would be court-martialled: some 1,900 would be detained under Ordinance, and some 3,500 detained without trial in view of the difficulty of numerous courts-martial and possible difficulties over evidence. He saw great objection to this last proposal, and had informed the Viceroy that this matter would require fuller consideration here and that an immediate decision was not to be looked for, and had also asked him his grounds for not handling the individuals concerned by court-martial or by trial.

The suggestion was made in this connection that action in India as regards Jifs should be consistent with the policy adopted in Burma, where a different line had been taken with Aung San and the troops of the Burma National Army. No penalties had been inflicted upon them and the personnel concerned had now been absorbed in the regular army. Would it not be difficult to treat members of the Indian National Army who claimed to have been fighting on

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behalf of India on a different basis? THE PRIME MINISTER pointed out in this connection that Aung San and the personnel of the Burma National Army, on finding that the Japanese were not, as they had at first thought, their deliverers, had got in touch with our military authorities and had been fighting on our side. That was quite different from the I.N.A. The general issue of principle was a serious one which would need very careful consideration. Nothing could be worse, if we were about to establish self-government in India, than to let the impression grow that rebellion was an easy thing that need not be taken too seriously. We should not at the same time overestimate the importance of the difficulties of arranging for trials by civil courts or by courts martial or bringing people to trial according to the circumstances. There had been very relevant precedents in the case of the last war. On the broad issue, he entirely agreed with the Secretary of State that, subject to consideration of cases presenting special features, we should either release or try.

(6) On paragraph 6 of the Viceroy's telegram 1254-S[5] the Committee took note that the Governors had recommended the removal of bans on Congress organisations with the exception e.g. of the Forward Bloc. The Secretary of State for India was invited to circulate a note to the Committee giving the latest information about the constitution and record of the Forward Bloc.

III. *General Political Position*

THE PRESIDENT OF THE BOARD OF TRADE suggested that it would be desirable to review the whole political situation. His information was that India was waiting to see what the new Cabinet would do, and was in an amazingly receptive mood. If we acted quickly in the right way we had a great opportunity. He was sure that it would be necessary for us to make some move. He did not attach undue importance to Muslim feeling, since his information was to the effect that the Muslims were now tending to desert Jinnah, and that the effect of the Simla Conference had been to shake many of them in their adherence to him. We should bear in mind that it was only the Muslim League, and not all Indian Muslims, who were opposed to a settlement of the type that had been discussed at the Simla Conference.

THE PRIME MINISTER said that the ending of the Japanese war had materially altered the situation. The Cripps offer, to which we had consistently stood, had comprised first, interim arrangements for the period up to the end of the war; second, the long term solution. The proposals recently put to the Simla Conference, with the approval of the late Government, by Lord Wavell, had equally been designed to bridge the period up to the end of the Japanese war. The unexpectedly early conclusion of the war had now overtaken interim

[5] No. 5.

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solutions. We must consider how we should implement the undertaking which we had given in 1942 at the time of the Cripps declaration. In other words the moment had arrived for a further general review of our future policy towards India, and he suggested that pending such a review decisions should be postponed on matters such as the future of the existing Executive Council, etc. If we could reach decisions as to our future policy, we should find that matters such as policy towards the Executive Council, detenus, and the like would fall into their proper perspective.

If we were now to hold elections during this cold weather (and he agreed that elections should be held, and at the Centre as well as in all provinces) what was our real object to be? Surely to try to get established as soon as possible something like a convention in which India could choose her own line. What should be our steps from the ultimate point of view of constitutional machinery? We should, in his view, regard the forthcoming elections as designed primarily to provide an electoral college for framing the new constitution.

The following points were raised:—

(1) THE SECRETARY OF STATE FOR INDIA said that he had already been in touch with the Viceroy in a preliminary and tentative way as regards future policy. The conclusion of the Japanese war had not led Lord Wavell to suggest any modifications of the recommendations now before the Committee, which had been put forward in advance of it. As regards broad future policy, the Viceroy had, however, suggested[6] that either he, the Secretary of State, should visit India or that Lord Wavell should return to this country for discussion.

There was general agreement that a visit by the Viceroy to this country would be greatly preferable to a visit by the Secretary of State to India, and that there would be advantage in Lord Wavell returning to England in the immediate future to discuss the situation. The news of such a visit would, it was felt, have a reassurring and encouraging effect on public opinion in India. It would represent a dramatic gesture of real value. We were likely, too, to make progress much more rapidly by oral discussion than by exchange of correspondence.

(2) The point was made in this connection that it was very desirable that the Cabinet should, in advance of the Viceroy's arrival, be clear as to the scheme which we had it in mind to put to him and the changes we proposed.

After further discussion, THE PRIME MINISTER said that it was clear that the general sense of the Committee was that interim solutions were not of great importance at the moment. We had put forward the Cripps offer and were entitled to stand on it. It had had behind it at the time the support of all parties, and all parties had consistently continued to stand by it. The effect was that Indians, by a constitutional convention or any other method that they chose, should be able to go ahead; and we should now aim at implementing the Cripps

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offer as vigorously as we could. We should press on with arrangements for establishing a Constituent Assembly, consider the kind of basis which we should propose, and discuss it, and how best to secure it, with the Viceroy. Meanwhile, the Viceroy should go ahead with his proposals for elections in the centre as well as in the provinces. Consideration should, however, be given to the form of the statement which the Viceroy should make in announcing this intention.

The general issue was one of great importance and urgency and he would like to see the Secretary of State for India prepare immediately a paper, for consideration by the full Cabinet at a special meeting on Monday, 20th August. The paper should indicate the broad outline of how the Secretary of State suggested that we should proceed with the implementation of the permanent part of the Cripps offer. It should also contain a draft of the statement which the Viceroy should be advised to make in regard to the proposed holding of elections. As the question of elections might be raised in the debates on the Section 93 Bengal resolutions on Tuesday, 21st August, it was essential to clear this matter before that date.

Meanwhile the Viceroy should be informed in reply to his telegrams 1254-S and 1255-S[7] that H.M.G. were considering the general constitutional position in the light of the conclusion of hostilities with Japan and would postpone, pending such consideration, conclusions on his recommendations for the future of the Executive Council and other connected constitutional questions. Such a telegram could be supplemented by the other enquiries which the Secretary of State had proposed at "X" on page 77[8] to address to Lord Wavell.

Lord Wavell might also be informed privately that it would be better that he should visit this country for any necessary discussions rather than that the Secretary of State for India should visit India; but that this matter was receiving further consideration and that the Secretary of State would telegraph regarding it as soon as possible.

After further discussion THE COMMITTEE invited the Secretary of State for India:—

(1) To prepare for consideration at a special Cabinet to be held on the afternoon of Monday, 20th August, a broad outline of how he suggested that H.M.G. should proceed with the implementation of the proposals for the long-term solution of the Indian problem contained in the Cripps offer of 1942.
(2) To prepare the draft of a statement to be made by the Viceroy as regards the holding of elections for the central and provincial legislatures.
(3) To reply *interim* to the Viceroy to the effect that H.M.G. were considering the general constitutional position in the light of the conclusion of

[6] See No. 4, para. 1. [7] No. 6.
[8] The page number has been altered to conform with that in the present volume.

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hostilities with Japan. In these circumstances, they would prefer to postpone conclusions on the Viceroy's recommendations as regards the future of his Executive Council and other connected constitutional questions pending further consideration of the general position. In the meantime, however, the Viceroy should go ahead with preparations for elections at the centre and in the provinces. The Cabinet would consider the exact form of the announcement which they would recommend him to make on that matter on Monday, 20th August. Such a telegram should be supplemented as regards the release of detenus, by a paragraph in the sense of the draft which had been read to the Committee by the Secretary of State for India at "X" on page 77.

(4) The Viceroy might be separately informed through the private channel that the Cabinet felt that the wise course would be that he should visit this country for any necessary discussion rather than that the Secretary of State should visit India; that this matter was receiving further consideration, and that we would telegraph to him about it as early as possible.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/524: f 201

IMMEDIATE INDIA OFFICE, *17 August 1945, 7.50 pm*
PRIVATE

450. I have despatched to you an official telegram constituting an ad interim reply to your telegrams 1254, 1255 and 1324-S[1] in the light of discussion of the matters you have raised and the whole Indian problem in Cabinet Committee. Matter will be taken further in Cabinet on Monday afternoon, after which I hope to be able to send you a more comprehensive telegram including an indication of what they would recommend to be said as to the purpose sought by the holding of Elections this cold weather. I am grateful to you for your suggestion that I might pay a visit to India to inform myself of conditions, but my colleagues and I are disposed to the view that, particularly in light of the plans we contemplate for seeking a solution of the so-called deadlock, it would be preferable that you should come home at an early date to confer with us. I shall be able to put this suggestion to you in a firmer form next week, but in the meantime you may wish to turn it over in your mind.

[1] Nos. 5, 6 and 30.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/524: ff 204–6

IMMEDIATE INDIA OFFICE, *17 August 1945, 9.15 pm*

18211. Superintendent Series. Your telegrams 1254–S and 1255–S of 6th August and 1324–S of 16th August.[1] The whole situation has been fundamentally altered since the date of your earlier telegram by the surrender of Japan, and H.M.G. would prefer to approach the whole Indian problem in a more comprehensive way and are turning their attention to the method of doing so as a matter of greatest urgency. Till they have formed their views on this I am unable to give you a final answer on some of the matters specifically mentioned, but it is hoped to do so early next week when proposals now under consideration here will have received their final consideration by H.M.G. Particular matters on which answer is thus reserved are those of the future of the Central Executive and the suggested National Development Council, on which in any case I understand that I am to expect further observations from you.

2. As regards Elections, H.M.G. are in favour of their being held as soon as practicable in each of the Provinces, including the Punjab, and also for the Central Legislative Assembly. As regards the Punjab, the preference of the Governor for postponement till the autumn of 1946 is noted, but H.M.G. feel that such postponement would not be consistent with the general approach which they have in mind. Accordingly they will be glad if you will hasten on all the preparatory measures required to enable Elections to be held during the coming cold weather, but they ask you to defer any public announcement that Elections are to be so held till you hear again from them early next week, when it will be possible to indicate to you the form in which such announcement should be made.

3. On the question of detenus, the surrender of Japan has a specially close bearing, for the immediate consequence is that what was a contingent expectation when you telegraphed on the 6th August has now become an accomplished fact.

H.M.G. welcome liberalising steps proposed in para. 6 of your 1254–S. I gather that you are disposed to effect the release of the 52 persons in your category Class I at an early date. That course would be agreeable to me and H.M.G. I understand further that the cases of the 274 persons in Class II will be reviewed forthwith. If you anticipate that such review will result in some being released,

[1] Nos. 5, 6 and 30.

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others being brought to trial and possibly a third group being dealt with otherwise, I should be interested to know whether you have made any preliminary forecast as to the likely numbers in each group, and what are your views with regard to third Group.

With regard to the 1,632 persons in Class III, cannot this class also be now broken up into categories and dealt with? With regard to the 4,910 persons in Class IV and the 3,500 persons referred to in your succeeding paragraph will you please let me have your views as to the immediate and subsequent treatment of them.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/PO/10/25

IMMEDIATE
SECRET

NEW DELHI, *18 August 1945, 9.30 pm*
Received: 18 August, 7.40 pm

No. 1333-S. Superintendent Series. Your telegram No. 18211[1] of 17th August.

Paragraph 1.—I have given further consideration to my proposal for reconstruction of Executive Council so as to improve its efficiency. Such a reconstruction would cause a considerable stir, and unless the Members were given some security of tenure, gain in efficiency would not be great. It would in fact be feasible only if His Majesty's Government decided to make no major move for a period of say two years. I therefore propose to carry on with my present colleagues. National Development Council could be formed on lines suggested by me only when Ministries had been re-established in all or the great majority of the eleven Provinces. Such a Council would probably not be needed if a political Executive were established.

2. *Paragraph 2.*—I have asked Governors to inform their officials that with end of hostilities against Japan, elections to Central Assembly and Provincial Legislatures may be ordered at very short notice, and that plans must be prepared and equipment got ready now. We cannot do more until public announcement is made, and I hope you will enable me to make announcement early next week. I am sure His Majesty's Government appreciate difficulty of Punjab Governor's position. Constitutionally dissolution of Legislature is in his discretion and he can be ordered to dissolve it by me or by you through me. But if he disregards the views of his Premier or is ordered to disregard them, we are running the political risks of a forced dissolution. I have told him to consult Premier very confidentially and to let me know Premier's views and his own. You realise doubtless that Punjab is only Province in which reformed

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constitution has been effectively worked ever since 1937. In view of this and of Punjab's war effort Premier's views are entitled to full consideration and cannot be lightly disregarded. I have however pointed out to Governor that if Punjab elections are not synchronised with those of other Provinces chances of outside party interference on a big scale will be greatly increased when Punjab elections take place.

3. *Paragraph 3.*—My Home Department is making immediate enquiries about detenus on the lines you suggest, but I may not be able to report finally for some time. The problem is not an easy one, and Governor of Bengal attaches very great importance to adequate control of terrorists.

4. I presume you will give me an opportunity of commenting on the terms of any announcement His Majesty's Government propose before it is finally decided.

[1] No. 35.

37

Cabinet Paper C.P. (45) 121

L/P&J/10/20: ff 197–9

The Indian Constitutional Question

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *18 August 1945*

I have been asked by the India Committee[1] to put forward for the consideration of the Cabinet a broad outline of how I suggest that His Majesty's Government should proceed with the implementation of the proposals for the long-term solution of the Indian problem contained in the Cripps Offer of 1942; and to prepare the draft of a statement to be made by the Viceroy as regards the holding of elections for the Central and Provincial Legislatures.

The Cripps long-term proposals.

2. The Cripps long-term proposals were as follows:—

"His Majesty's Government therefore make the following declaration:

(*a*) Immediately upon the cessation of hostilities, steps shall be taken to set up in India, in the manner described hereafter, an elected body charged with the task of framing a new Constitution for India.

(*b*) Provision shall be made, as set out below, for the participation of the Indian States in the constitution-making body.

[1] No. 33.

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(*c*) His Majesty's Government undertake to accept and implement forthwith the Constitution so framed subject only to—

(i) the right of any Province of British India that is not prepared to accept the new Constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides.

With such non-acceding Provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new Constitution, giving them the same full status as the Indian Union, and arrived at by a procedure analogous to that here laid down.

(ii) the signing of a Treaty which shall be negotiated between His Majesty's Government and the constitution-making body. This Treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands; it will make provision, in accordance with the undertakings given by His Majesty's Government, for the protection of racial and religious minorities; but will not impose any restriction on the power of the Indian Union to decide in the future its relationship to the other Member States of the British Commonwealth.

Whether or not an Indian State elects to adhere to the Constitution, it will be necessary to negotiate a revision of its treaty arrangements, so far as this may be required in the new situation.

(*d*) The constitution-making body shall be composed as follows, unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities:—

Immediately upon the result being known of the provincial elections which will be necessary at the end of hostilities, the entire membership of the Lower Houses of the Provincial Legislatures shall, as a single electoral college, proceed to the election of the constitution-making body by the system of proportional representation. This new body shall be in number about one-tenth of the number of the electoral college.

Indian States shall be invited to appoint representatives in the same proportion to their total population as in the case of the representatives of British India as a whole, and with the same powers as the British Indian members."

Objections of main parties

3. It was not on these proposals that the negotiations in fact foundered, but objection was taken to them by *Congress* on the grounds principally that—

(*a*) they were "a severe blow to the conception of Indian unity," and

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(*b*) they ignored the peoples of the Indian States—"a negation both of democracy and self-determination"—in that "while the representation of an Indian State in the constitution-making body is fixed on a population basis, the people of an Indian State would have no voice in choosing their representatives."

4. The *Muslim League* were not satisfied with the proposed composition of the constitution-making body and demanded the right to elect their own representatives through separate electorates; and they objected to the right of non-accession being given to the existing provinces "which have been formed from time to time for administrative convenience and on no logical basis." Further, they took exception to the suggestion of Sir Stafford Cripps, separately made (Annexure I), that the determining majority in the provincial legislative assemblies in favour of an Indian Union should be 60 per cent. and that a minority should have the right to demand a plebiscite of the adult male population. They asserted that as Muslims were under-represented in the provinces with a Muslim majority population this procedure would be no true criterion of real Muslim opinion in those provinces; moreover, a plebiscite of the whole male population (and not of Muslim males only) denied them the inherent right to self-determination.

5. The actual break-down, of course, occurred on the proposals for the immediate re-constitution of the Central Executive, and it is therefore impossible to say whether the objections of Congress and the League to the long-term proposals would have been maintained.

6. The present Viceroy has since put the long-term problem into the background and concentrated his efforts on bringing the leaders of the parties together in the hope that, by persuading them to participate in the responsibilities of the Central Government, the long-term problems might be rendered easier to solve.

7. The Viceroy's attempt having failed, I propose that the Cabinet should now proceed to implement the long-term proposals in the Cripps Declaration. The Provincial elections—which the Viceroy and the Governors (except the Governor of the Punjab) desire in any case to hold as soon as possible—can be completed early next year. It would be in accordance with paragraph (*a*) of the 1942 Declaration that the next step should be to set up a constitution-making body.

At this stage I am not dealing with the question which would arise under paragraph (*c*) (i) of the Declaration, namely, the method whereby the wishes of a Province in regard to the exercise of the right to stand out of the new Constitution, when made, should be ascertained. This question requires further consideration.

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Mr. Rajagopalachariar's Alternative.

8. The Declaration provides for the entire membership of the Lower Houses of the Provincial Legislatures (1,585 persons) formed as a result of elections proceeding immediately as a single electoral college to elect by proportional representation a constitution-making body, "unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities." Up to the present date no such agreement has been reached, but an alternative method has been suggested in a recent statement by Mr. Rajagopalachariar (Annexure II), ex-Congress Premier of Madras, who, ever since the Cripps Declaration, has made repeated attempts to secure agreement between Congress and the Muslim League to implement His Majesty's Government's proposals. Mr. Rajagopalachariar's suggestion is that each newly elected Provincial Assembly should first put to the vote the question whether there should be an Indian Union and that the Provinces which decided for the Union should send delegates elected by proportional representation to form the constitution-making body. By this means that body would meet with a mandate to create an Indian Union and no other constitution. This appears to be the main advantage of the proposal; but it would cause the Pakistan issue to be decided in Provinces with a Muslim majority before this had been discussed in the probably less tense atmosphere of a constitution-making body. Moreover, such Provinces as opted against the Indian Union would go unrepresented in the body which made the constitution and so would have no part in determining safeguards for Muslims within the Union. It is therefore difficult to believe that Mr. Rajagopalachariar's formula would overcome previous Muslim objections to the Cripps proposals; whereas it would precipitate the issue of "vivisection" of India to the possible extent of at least four provinces. For this reason I would prefer to adhere to the proposals in the Cripps Declaration whereby the question of contracting out of an Indian Union would not be taken in the provincial legislatures until they had before them the results of the work of the constitution-making body.

The Moslem League adopted a Resolution in 1942 demanding as a variant of the proposed system of election by proportional representation that Muslim representation in the constitution-making body should be secured by separate Muslim electorates. I would deprecate this extended application of the system of separate communal electorates.

Representation of the States

9. As regards the representation of the States it was assumed by my predecessor that Rulers should nominate representatives. To this procedure there seems no constitutional alternative since the Rulers constitute the only authority with which the Crown is in relationship, and to the extent that democratic government does not exist in the States it is impossible to insist on demo-

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cratically-elected representatives. But the possibility of asking the Rulers to use means, whether through existing electoral bodies or otherwise, of ascertaining their peoples' choice of representatives merits examination and might be put to the Viceroy. Under the Cripps proposal the States would be entitled to appoint representatives in the same proportion to their total population as in the case of the representatives of British India. The Provinces of British India were to be represented in the constitution-making body by about one-tenth of the total number of members of their Assemblies (1,585), say 158. These would represent a total population of some 289 millions in the eleven Governors' Provinces. The total population in the States being 98 millions, they could accordingly claim about 50 seats in the constitution-making body. If certain Provinces should abstain from participation in the proceedings of that body, the resulting reduction in the number of Provincial representatives would presumably entail a corresponding reduction of the States' representatives. On the method of apportioning representation among the States I should in any case have to consult the Viceroy. A rough guide might be afforded by the representation accorded to States under the Government of India Act in the Federal Legislative Assembly in which they would have 125 seats.

Recommendations.

10. My recommendations, therefore, are:—

(i) that Elections, Provincial and Central, shall be held at the earliest possible date, subject to the proviso that the Central Elections will have to precede Provincial Elections, in order to be completed by the end of the year so that the new Assembly may be in being for the Budget Session beginning early in 1946;

(ii) that the Viceroy should be invited to state, when announcing the decision to hold elections, that the Provincial Assemblies to be elected will, in addition to fulfilling their normal functions, be charged as a single electoral college with the responsibility of choosing representatives who, with representatives of the Indian States, would form a constitution-making body to lay the foundations of self-government for India as was envisaged in the offer made by His Majesty's Government in 1942.

11. I suggest the following statement for issue by the Viceroy, subject to his concurrence in its terms:—

DRAFT STATEMENT

Now that Japan has been forced by the United Nations to surrender and hostilities have come to an end, I have been in consultation with His Majesty's Government on the question what further measures should be taken to implement their Declaration of March 1942, to the main principles of which His Majesty's Government stand pledged in their entirety. In that Declaration they

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declared that immediately upon the cessation of hostilities steps should be taken to set up in India an elected body charged with the task of framing a new Constitution for India.

The first of these steps was declared to be the holding of Provincial Elections and in agreement with His Majesty's Government I have requested the Governors to arrange for these elections to be held at the earliest date practicable in the different conditions obtaining in each Province.

These elections will be preceded by those for the Central Assembly which are long overdue: the latter will be completed in time to establish a new Assembly for the Budget Session 1946.

The Provincial Assemblies to be elected will, in addition to fulfilling their normal functions, be charged as a single electoral college with the responsibility of choosing representatives who, with representatives of the Indian States, would form the constitution-making body envisaged in the Declaration.

P. L.

Annexure I to No. 37

LETTER FROM SIR STAFFORD CRIPPS' SECRETARY TO MR. M. A. JINNAH DATED 2ND APRIL 1942

You said on the telephone this morning that Press reports did not give a clear picture of the method by which it was proposed that a Province should decide to opt out of an Indian Union set up in accordance with the procedure laid down in His Majesty's Government's draft declaration. In reply I am desired to say that the proposition which Sir Stafford Cripps put orally to yourself and the other leaders is that a Province should reach its decision whether or not to stand out of the Union by a vote in the Legislative Assembly on a resolution to stand in. If the majority for accession to the Union is less than 60 per cent., the minority would have the right to demand a plebiscite of the adult male population.

Sir Stafford has received no objections to this proposition from any quarter, but he does not propose that it should be formally announced in writing at present. If another method of achieving the same result was to be agreed to later between the leaders of Indian opinion, it could be substituted for his own, provided that it would achieve what is essential, namely, to procure a genuine impression of the wishes of the majority of the Provincial population, and provided also that it was administratively practicable.

Annexure II to No. 37

EXTRACT FROM STATEMENT ON 5TH AUGUST, 1945, BY MR. RAJAGOPALACHARIAR

[*There follow paras. 2–4 of No. 7*]

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Annexure III to No. 37

PROVINCIAL LEGISLATIVE ASSEMBLIES

	Total Seats	*Muhammadan Seats*
Madras	215	28
Bombay	175	29
Bengal	250	117
United Provinces	228	64
Punjab	175	84
Bihar	152	39
Central Provinces	112	14
Assam	108	34
North-West Frontier	50	36
Orissa	60	4
Sind	60	33
	1,585	482

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *18 August 1945*
Received: 24 August

I was very pleased to receive your long and interesting letter of the 5th August[1] containing so much valuable information. Since you wrote, the Japanese war has of course come to an end and the outlook has been largely transformed. In regard to India, as in other matters, my colleagues and I are urgently reviewing the new situation and, as you will have seen from the telegrams[2] which have been sent to you following a meeting[3] of the reconstituted India Committee yesterday, my Party are not disposed to delay any more than necessary in dealing with the Indian constitutional problem. I know from the offer you made to me in your first message[4] on my appointment that you are very willing to come home for consultations and it now seems likely that we shall avail ourselves of your offer in the very near future. In these circumstances it seems superfluous for me to digress at length on the various aspects of the Indian political situation, since we shall require to go into this by telegram, if indeed you have not already left India by the time this letter arrives.

[1] No. 4. [2] Nos. 34 and 35. [3] No. 33. [4] No. 3.

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2. You will have seen from my telegram that the Cabinet prefer that you should come to this country rather than that I should go out. I fully agree with your remarks about the desirability of the Secretary of State having first-hand knowledge of conditions in India; but whilst my own experience may not be entirely up to date, I have, of course, travelled a good deal in India and have met many prominent Indians, so that I am, I think, quite reasonably well-informed. You will, I know, appreciate the further point that it would be difficult, if not impossible, for a Secretary of State visiting India to come into real contact with more than a fraction of the various elements which go to make up the population of India.

3. As regards your suggestion that there should be more personal contact between the officials at the India Office and officials in India, however, I entirely agree that we should do everything possible to develop such contacts. Much depends, of course, on what is finally decided about the future destiny of India and of the India Office, but I am firmly of the opinion that a Secretary of State cannot expect to get the best advice from his officials unless they have some opportunity of maintaining an up to date and first-hand knowledge of India and her problems.

4. One of the problems arising out of the end of the Japanese war which is causing me particular concern is the effect of inflation and deflation on the economic future of India, especially in regard to unemployment and to the social structure. As one who lived through the unhappy years of maladjustment and frustration in Britain between the two wars and who has been actively interested in trying to prevent a recurrence of this here at the end of this war, I shall anxiously await the reports which I understand are in preparation for dealing with these matters in India.

5. You will have observed from my telegrams[5] that I am also very much concerned about the policy to be adopted in regard to detenus and also as regards Jifs and Hifs when they are returned to India. I am convinced that action by the Executive authority by ordinance, etc., cannot and should not be substituted for the ordinary legal procedure in time of peace and I hope that between us we shall be able to devise some satisfactory arrangement for dealing with these people. I quite appreciate the difficulty involved and I am in no way in favour of letting off those who deserve punishment, but I feel that we must give them a proper trial.

6. Amery has passed on to me your letters conveying your ideas about Governorships in India. This is a matter which requires a good deal of thought, especially in regard to Bengal and Madras; but I will endeavour to let you have my views with very little delay. I had a letter from Hope in which he congratulated me on my appointment and added that although he was

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feeling the effect of long service in Madras he would be prepared to consider an extension. This offer might well be valuable to us, but I have of course not given Hope any indication one way or the other. On this question of Governors it occurs to me that developments at the moment may jeopardise the grant of leave to Casey, but we shall doubtless have to telegraph to you about this and I imagine that the telegram will arrive before this letter, so I shall say no more here.

7. I do not propose to deal in detail in this letter with the further points covered in your letter of 5th August. I am consulting my Office about them and you can rely upon me to see that everything possible is done to help, where that is desired.

[5] See No. 32.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/8/524: f 193

MOST IMMEDIATE NEW DELHI, *19 August 1945, 8 pm*
SECRET *Received: 19 August, 4.30 pm*

No. 1337-S. Superintendent Series. My telegram No. 1333-S[1] of August 18th. I do not know what His Majesty's Government intend, but first paragraph of your telegram No. 18211[2] indicates that elections are to be part of comprehensive approach to Indian problem. If so, His Majesty's Government may have in mind formation of some constitution making body shortly after all elections are completed, perhaps next summer. I think I should warn you that in any such plan our policy on Pakistan issue will require most careful consideration. Party attitudes have hardened since 1942, and Jinnah now seriously demands immediate grant to Moslems of right of self-determination and separation of Moslem majority provinces from rest of India by plebiscite of Moslems only. Moslems are most unlikely to co-operate in or to recognise any constitution making body unless this right is conceded. Non-Moslems in Moslem majority provinces will not accept separation even on general plebiscite. In very recent letter to me[3] Governor of Punjab says "If Pakistan becomes an imminent reality, we shall be heading straight for bloodshed on a wide scale; non-Moslems, especially Sikhs, are not bluffing, they will not submit peacefully to a government that is labelled Muhammadan Raj". He goes on to point out that in the Punjab, of five divisions, two (Ambala and Jullundur) have no repeat no districts with a Moslem majority, and that there is not a Moslem majority in

[1] No. 36. [2] No. 35. [3] No. 29.

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the Amritsar district of the Lahore division. His conclusion is that choice lies between Indian union of a kind not at present acceptable to Moslems and partition of Punjab with devastating effect on future of the province. Problem in Bengal will be similar.

2. I am clear that it would be most unwise for H.M.G. to announce their long term intentions in any detail until they have formed definite conclusions on Pakistan issue. An announcement made without full consideration might prejudice the entire success of any long term plan.

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Sir J. Colville (Bombay) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/166: ff 84–5

CONFIDENTIAL *20 August 1945*

Report No. 48

4. Political events have been marking time waiting for the new Government at home to show its hand. Most of the papers give the Labour Government a good welcome and hope for benefits but Vallabhbhai Patel in one of his highly coloured speeches said he had little use for it, and that India had a bad experience of the last Labour Government and that in fact they were no different from anyone else! Vallabhbhai Patel has been the stormy petrel of the last few weeks. He has been making bitter speeches throughout the northern part of the Province and collecting large audiences. You will no doubt have seen reports of his speeches, so I need not comment on them, but I am advised that the police are not seriously concerned as to the effect of his campaign, for he is known to be a fiery orator and collects huge crowds who enjoy the performance but are not necessarily deeply swayed. He does not hold a place in the affections of the people comparable to Gandhi and the other milder leaders. Jinnah is reported to be firm in his determination to have no truck with anyone till the principle of Pakistan is conceded and it is said that he will welcome elections as he believes that they will strengthen his position. I feel strongly that we must have a show down on Pakistan soon, some effort must be made to define it and subject it to scrutiny. Who the scrutineers are to be it is hard to say but it should not be impossible to find a committee or tribunal of such eminence that Jinnah would hesitate to refuse to have his case stated to it.

I believe Congress are not too anxious to have elections but that they will not oppose. I am not clear what their reticence means unless it is that they feel that elections will strengthen the League's position. There is a fair amount of talk about the re-establishment of a popular ministry in the Province, but no

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one has come to me with any proposals, and I do not think that Kher will move without authority from the Working Committee. As you know I shall welcome a move.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/8/524: f 192

MOST IMMEDIATE NEW DELHI, *20 August 1945, 8.35 pm*
Received: 20 August, 4.45 pm

1342–S. Superintendent Series. My telegram No. 1333–S[1] of August 18th paragraph No. 2. Punjab Governor reports that he and his Premier agree that Punjab elections should take place simultaneously with those in other provinces.

[1] No. 36.

42

Cabinet C.M. (45) 24th Conclusions, Minute 1

L/P&J/10/20: ff 184–6

Those present at this Meeting held in the Prime Minister's Room, House of Commons, S.W. 1, on 20 August 1945 at 4.30 pm were: Mr Attlee (in the Chair), Mr Herbert Morrison, Mr Ernest Bevin, Mr Arthur Greenwood, Mr Hugh Dalton, Sir Stafford Cripps, Mr A. V. Alexander, Lord Jowitt, Mr. J. Chuter Ede, Viscount Addison, Lord Pethick-Lawrence, Mr. G. H. Hall, Mr J. J. Lawson, Viscount Stansgate, Mr J. Westwood, Mr. G. A. Isaacs, Mr E. Shinwell, Miss Ellen Wilkinson, Mr. Aneurin Bevan, Mr. T. Williams

Also present during discussion of item 1 were: the Earl of Listowel, Mr. Arthur Henderson

INDIA

Constitutional Problem

(Previous Reference: C.M. (45) 17th Conclusions, Minute 2.)[1]

The Cabinet had before them a memorandum C.P. (45) 121[2] by the S/S for India putting forward, in the light of discussion in the India Committee, a broad

[1] Vol. V, No. 635. [2] No. 37.

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outline of his suggestions for implementing the proposals for the long-term solution of the Indian constitutional problem contained in the Declaration of 1942, and the draft of a statement to be made by the Viceroy as regards the holding of elections for the Central and Provincial Legislatures. The Cabinet also had before them two telegrams (1333–S and 1337–S of 18th and 19th August)[3] from the Viceroy to the S/S for India.

THE S/S FOR INDIA briefly informed the Cabinet of the present position in regard to commutation of sentences, the release of detenus, the treatment of persons engaged in fifth column activities in India during the war, and the holding of elections. The Viceroy was anxious that elections should be held without delay for both the Provincial and the Central Legislatures. Provincial Governors were in agreement except in the Punjab, where the Viceroy was not anxious to force the hands of the Provincial Premier.

The terms of the offer of 1942, which had been made with the approval of the Coalition Government, committed us to considering a long-term solution of the Indian problem to be worked out by a Constituent Assembly drawn by proportional representation from Provincial Legislatures elected by fresh elections held on the cessation of hostilities. We had repeatedly stated that this offer still held the field, and it would not be possible for the present Government to make any proposals which fell short of this offer. The India Committee had been anxious that the Viceroy should take the first step to implement the offer by arranging Provincial elections which would lead to the appointment of an electoral college which, with representatives of the Indian States, would form a constitution-making body. They had also favoured asking the Viceroy to come home to discuss the position with H.M.G.; and Lord Wavell had been so informed, though he had been given no indication of the line of action which the Government had in view. The Viceroy had now made it clear, however, that he was anxious to be consulted on the main issues, and on the language to be used in any public statement, before decisions were taken. The Secretary of State thought it was very desirable that the Viceroy should be so consulted, particularly in view of the considerations advanced in the telegrams before the Cabinet against an immediate announcement of our long-term intentions in advance of definite conclusions on the Pakistan issue.

In discussion there was general agreement on the following points:—

(*a*) The Viceroy should be authorised at once to announce that elections would be held for the Central and Provincial Legislatures in the coming cold weather.

(*b*) No exception to this would be justified in the case of the Punjab. The justification for elections was the non-representative character of the present legislatures, which dated from 1936. Moreover, if the new legislatures were to be used to produce an electoral college for a Constituent

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Assembly, it would be impossible to justify either omitting the Punjab or using for this purpose an out-of-date legislature.

(*c*) Mr. Rajagopalachariar's solution of the problem, as set out in Annex II to C.P. (45) 121, had not found any general acceptance and could not be regarded as meeting the case.

(*d*) The Viceroy should be invited to return at once for consultation on the long-term plan. Were he to be in London in time to permit of some further statement being made during the first meeting of the Council of Foreign Ministers, that would be of value as reducing any risk of the Indian position being used to embarrass us in discussions on other matters.

Discussion followed on the question whether the announcement of the holding of elections in India should be linked with an indication that the new legislatures would be used to provide an electoral college for a Constituent Assembly.

In favour of an announcement in this sense it was urged that it was important, on psychological grounds and because of public opinion in India, the United States and this country, that H.M.G. should take the initiative and should not appear to act only in response to pressure from India. It was also desirable that we should let India know beyond question the course which we had in view. Those elements which were opposed to fresh elections might take a different line when it was made clear what was to follow.

It was represented on the other hand that an announcement of the decision to hold elections could not well be postponed, since the issue would arise on the introduction of the Indian Franchise Bill in the House of Lords on the following day. The Viceroy had strongly represented his desire to be consulted about the terms of any statement on long-term policy; and, if his desire was to be met, it would not be possible to make in the debate on the following day a statement linking the holding of elections with the terms of the 1942 offer. Further, an announcement which in terms linked long-term policy with the holding of elections would almost certainly provoke a demand for a general debate. Would it not suffice to announce the decision that elections were to be held, and to add that the Government had already been giving consideration to the general question of Indian policy, now that hostilities had ceased, and that the Viceroy had been invited home for discussions? This would make it possible to avoid an extended debate, would make it clear that the initiative had been taken by H.M.G. and would give us time for consideration.

Summing up the discussion, THE PRIME MINISTER said that the general sense of the Cabinet was that the Viceroy should announce immediately, but without comment, that it was proposed to hold elections for the Provincial

[3] Nos. 36 and 39.

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and the Central Legislatures during the forthcoming cold weather. The Punjab should conform to the general decision. The Viceroy should be invited immediately to return home for discussion of general policy. It was desirable to avoid at this stage any extended debate in Parliament on the Indian question at large. The wiser course would be for the Secretary of State to announce that elections were to be held and to add that the Viceroy had been invited home to discuss the position generally.

The Cabinet—

(1) Agreed that the S/S for India should authorise the Viceroy to announce at once that elections would be held in the Centre and in the Provinces during the next cold weather, but not to make any reference to the implications of this decision.
(2) Agreed that the S/S for India, in the course of his speech introducing the Indian Franchise Bill, should announce that elections were to be held, and should add that the Viceroy had been asked to come home to discuss the general position.
(3) Invited the S/S for India to authorise the Viceroy to announce that he had accepted an invitation to return home for discussions with H.M.G.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/524: f 186

MOST IMMEDIATE PRIVATE — INDIA OFFICE, *20 August 1945, 8.45 pm*

No. 455. Superintendent Series. Your private telegram 19th August 1338-S.[1] Cabinet have asked me to invite you to come home for consultation at the earliest date reasonably possible. In course of my speech in House of Lords to-morrow I shall mention that I have issued this invitation to you and as this will be Reutered at once to India you will no doubt wish to issue statement at approximately corresponding Indian time that you have received invitation and are accepting it, or at such earlier time as you may think desirable in order to secure its inclusion in Wednesday morning press in India.

2. Please inform me as soon as possible so that I may take necessary action with the Palace whether Colville is available to act as Governor-General and who is recommended to act as Governor of Bombay.[2]

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3. My Office will make arrangements with Air Ministry and your Private Secretary with least possible delay as to facilities for air passage.

[1] Suggesting that if he were summoned home, Sir J. Colville might act as Viceroy and Sir C. Bristow might act as Governor of Bombay. L/P&J/10/20.

[2] In tel. 1352 of 21 August, Lord Wavell informed Lord Pethick-Lawrence that Sir J. Colville was available to act as Viceroy and recommended that Sir C. Bristow act as Governor of Bombay. L/PO/10/18.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/524: f 191

MOST IMMEDIATE INDIA OFFICE, *20 August 1945, 8.40 pm*

18412. Superintendent Series. Your telegrams 18th August 1333-S[1] and 19th August 1337-S[2] have been carefully considered by H.M.G. In the light of them they have decided to authorise you to announce forthwith that elections will be held both for Central Assembly and for Provincial Assemblies, including the Punjab, during the coming cold weather. (Your 1342-S[3] about Punjab, received later, is most welcome.)

2. I shall be making statement to foregoing effect in House of Lords in connection with motion for Bengal Section 93 Resolution and Franchise Bill about 2 p.m. or 3 p.m. British Summer Time, Tuesday, 21st August. But you will no doubt wish to announce decision as to elections as soon as possible after receipt of this authorisation; perhaps in All-India news bulletin early tomorrow Tuesday, 21st August. This course would be quite agreeable.

3. You will note that at this stage announcement is confined to bare decision that elections, which are well-known to be overdue, are to be held.

[1] No. 36. [2] No. 39. [3] No. 41.

45

Sir D. Monteath to Mr Abell (Extract)[1]

L/PO/8/12: f 78

INDIA OFFICE, *20 August 1945*

The Government here are apparently determined to plunge into the Indian constitutional problem and "settle it" without further ado. This may seem a

[1] Sir D. Monteath was explaining to Mr Abell that he was having to ask him to break his leave in the U.K. so that he could assist Lord Wavell in London.

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little optimistic to you, but they are showing this much caution that I think they will not commit themselves to any very startling step or world-shaking announcement without prior consultation with the Viceroy. He has indeed been warned that he may be invited home for consultation very shortly.

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Mr Shiva Rao to Lord Pethick-Lawrence

L/P&J/10/20: ff 156–60

HOTEL PASTORIA, ST. MARTIN'S STREET, LONDON, W.C. 2,
20 August 1945

Dear Mr Pethick-Lawrence,
I am sending you a note on the points I made rather briefly in talking to you last week. I am leaving for India next week and would like to say how deeply grateful I am for your giving me an opportunity of a personal contact during my stay in London.[1]

With kind regards,
Yours sincerely,
B. SHIVA RAO

Enclosure to No. 46

A NOTE ON INDIA
by
B. Shiva Rao

20 August 1945

1. Both the Cripps plan in 1942 and the Wavell proposals of 1945 were from the Churchill Cabinet. A purely Labour Government should revise them in accordance with the principles of the party. Self-Government for India should of course be the objective: but it must be self-government of a kind which would encourage the democratic and socially progressive forces in India, not one which would put landlords, business men and princes in power.

2. With the end of the war, the Labour Government should apply its mind to the main task of a permanent Constitution for India. That means a Constituent Assembly after fresh elections in the provinces. Elections cannot take place without a revision of the electoral rolls. This is an elaborate business. In India, many voters are illiterate and the subordinate executive plays a great part in the preparation of the rolls. The Congress and the Muslim League take

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an active interest in preventing mistakes and omissions. It is necessary, in order to give everyone a fair chance, to restore popular Governments in the provinces at once, so that they may supervise the preparation of the electoral rolls. Incidentally, if in forming Governments, Congress leaders should make an attempt to secure the support of the Muslim League wherever it is strong, it would be a great gain.

3. The continuance of Governors' régimes under Section 93 is most undesirable from any point of view. India expects the Labour Government to act immediately, especially as the war is over. Moreover, in preparing electoral rolls, it is likely that the officials will exclude a number of voters on technical grounds; for example, persons who have served more than a certain term of imprisonment are not eligible to vote for some years. A liberal view must be taken, and that is possible only under popular governments.

4. The end of the war should be made an opportunity for immediate action on a number of points: (1) release of all political prisoners; (2) withdrawal of restrictions against Congress organisations; (3) restoration of popular governments in the provinces.

5. Action should not be limited to the provinces. Lord Wavell's declaration that the assent of all the major parties was an essential condition for the implementing of his plan encouraged Mr Jinnah to withhold it. He should form an Executive Council, as representative as possible, throwing the responsibility for refusal to co-operate on the individual (or party) concerned. There should be a clear statement that no issue would be prejudiced by entering the Council, that it would be only an interim Government charged with (a) the duty of dealing with India's post-war development, (b) and the general responsibility of making arrangements for drafting India's permanent Constitution.

6. Action, again, should not be only in India. The Secretary of State's general statement (to a press Conference at the India Office)[2] on giving India a position of real partnership with Britain should be translated into action by (1) the abolition of the India Office and the transfer of some of its functions under the Government of India Act to the Dominions Office; (2) the enhancement of the status of the Agent-Generals at Washington and Chungking to that of the representatives of the Dominions; (3) the appointment of diplomatic representatives in other capitals, should the Government of India (as reconstituted) decide to do so; (4) the separation of the External Affairs Department from the Viceroy's portfolio as indicated in the Wavell proposals; (5) the appointment of a British High Commissioner in India.

[1] On 25 August Mr Turnbull acknowledged Mr Shiva Rao's letter and memorandum. L/P&J/10/20: f 155.

[2] No. 10.

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7. The Labour Government should make a fresh declaration to India that in order to create a favourable atmosphere for the preparation of the permanent Constitution and as an earnest of its intentions to make her a real partner in the Commonwealth, it proposes *at once* to take the necessary steps to give India the status of a Dominion; that henceforth the Indian Government will be consulted in precisely the same way as are the Dominion Governments.

8. Such a declaration, accompanied by the steps suggested in paragraphs 4, 5 and 6, will have an enormous effect on India. It is of the utmost importance that at the first meeting of the General Assembly under the United Nations Charter, the Indian delegation should consist of men like Nehru and Jinnah. The British delegation should prove both to India and to the rest of the world that its promise of real partnership is genuine and extends to the international sphere. If India is assisted to secure a seat for herself on the Security Council, the Social and Economic Council and the Trusteeship Council, it will create an excellent impression on India and generally on all Asiatic countries. If Indian leaders composing the delegation realise that Britain has no intention of perpetuating Imperialism in India (or elsewhere), the removal of that psychological barrier will have its own reactions on the subsequent deliberations of the Constituent Assembly in framing proposals for India's permanent Constitution.

9. Though this may seem to be a digression in a note on India, the Labour Government should pay special attention to Burma. Had Burma remained a province of India, she would have been represented (through her) in the United Nations. The least that is immediately possible is the appointment of an able Burmese official (like Mr Tin-Tut) as an adviser to the British delegation to the General Assembly, and an indication that Burma, when she becomes a full-fledged Dominion will have Britain's support for her admission into the organisation.

10. The need for action on the above lines in India without delay must be apparent to anyone who has watched the steady deterioration in the situation during the war. Apart from the impatience of the politically-conscious classes and the bitterness caused by the policy of Lord Linlithgow's Government after the failure of the Cripps Mission there have been famine and epidemics, and the distress caused by inflation and acute shortage of consumers' goods. It will be increasingly difficult to maintain law and order in India, with the abolition of censorship, the withdrawal of a large number of white troops and demobilisation of the Indian Army. The influence of the communist element in India, particularly in the Trade Unions, has been growing since 1941. Russia has expressed active interest in her independence (through Mr Molotov at San Francisco) and in that of all colonial areas.

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11. A Constituent Assembly cannot start functioning before the summer of 1946. General elections must be preceded by the preparation of electoral rolls and followed by the formation of new provincial Governments. Only then can the new provincial Assemblies proceed to elect members to the Constituent Assembly. Considering the nature and the number of problems to be decided, the Assembly may well take a few years before the final stage is reached. One must be prepared, therefore, for a minimum of 3 to 4 years (counting from now) as "the interim period". It is inconceivable that the present Executive Council can be permitted such a long lease of life.

12. On the other hand, a reconstituted Executive Council, composed of well-known and representative leaders, can deal with both post-war development plans and the preliminaries before the Constituent Assembly can start on its work. It is essential that the people of India should have confidence in the Executive Council that urgent social and economic problems (for examples the land problem, labour reform, health, agricultural and industrial development, etc.) will receive prompt and adequate attention even during the interim period.

13. In the choice of members of the Executive Council, Lord Wavell should bear one point prominently in mind. The present team no doubt consists of 11 Indians—4 Hindus, 4 Moslems, 3 other minorities—and 4 Europeans. But for a satisfactory solution of India's social and economic problems, the Viceroy should select men who place mass welfare above all other interests. The present Council is dominated by landlords and business interests and therefore grievously failed to cope with such problems as the Bengal famine. A Labour Government, while not ignoring the claims of religious or racial groups, should encourage representatives of the progressive elements in India to get into power in the interim period. It is necessary to make this point in view of the fact that in the past Conservative Governments have selected only men of the wealthy and privileged classes, Dr Ambedkar being a recent and solitary exception.

14. In regard to the permanent Constitution, it should be remembered that between the Simon Commission and the passing of the Federal Constitution in 1935 was an interval of 7 or 8 years. The problems to be tackled now are much more complex and numerous. India cannot afford to spend so much time on Constitution-making, with grave social and economic problems pressing on her. Nor should British Labour go to the polls in 1949 with the India question unsolved.

15. While the formula that the Cripps plan stands unless the Indian leaders can produce a better alternative is good enough for the time being, efforts should be made, after the preliminary steps suggested in paragraphs 4, 5, and 6 have been taken, to evolve a more expeditious procedure than that implicit

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in the formula. A reconstituted Executive Council could set up a small Committee or Commission to examine the different aspects of the main problem and to prepare material. After the general elections in the provinces, the new premiers of the eleven provinces and the Executive Council could come together to decide whether an alternative plan or modifications in the Cripps plan are feasible. At that stage, the Cabinet should send one or two of its members to India to deliberate with the Executive Council and the provincial premiers to review the situation.

16. The Labour Cabinet should aim at a final solution of the Indian problem before the end of 1947 or 1948. And at all stages, from first to last, it should make it clear to Indian leaders that its anxiety is not merely to confer self-government, but self-government on a democratic basis. That would imply a definite change in its attitude, for instance, towards the States. Small States should be encouraged to be merged in British provinces in return for pensions to their rulers. Such a process, once started, would gradually leave intact a number of the big States and simplify the States problem. The revision of treaty rights, promised in the Cripps plan, should not be viewed in a legalistic spirit. The representatives of the States on the Constituent Assembly should as far as possible be elected by popular Assemblies; or, in the alternative, have only the right of speech but not of vote.

17. So far as the States are concerned, in view of the problem they present, Lord Wavell should include an ex-premier of one of the States, capable of representing their point of view, in the interim Executive Council, so that his advice may be available even at the preliminary stage of investigation. At the same time, the Labour Cabinet should make it clear to the Princes that autocracy and out-of-date methods of administration have no place in a Self-Governing India, and the introduction of certain reforms is an immediate necessity. The Political Department of the Government of India is out of touch with the main currents of India[n] life. For the interim period, though paramountcy may continue to vest in the Crown and be exercised by the Viceroy, it may be of advantage to set up a convention whereby questions relating to the future relations between the States and British India may be discussed with a Committee of the Executive Council specially dealing with the permanent Constitution. The point about the peoples of the States being represented in the Constituent Assembly has already been discussed in paragraph [?16]. To take another point of importance, what should be done to level up conditions of industry and industrial labour in the States with those [of] British India? During recent years industry has been migrating into the States, because of low income tax and immunity from excess profits duties and of laxer labour laws. This, if the tendency should persist, will make improvement of labour conditions in British India very difficult.

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18. The idea of India being one in the international world will gain ground if, at the sessions of the General Assembly under the United Nations, the Indian delegation were to include one or two princes or representatives of the States. Incidentally, it will encourage the formation of an all-India Union. It is necessary that the States should be brought into direct contact with the modern world.

19. Without lengthening this note further, it may be said that though the interim Executive Council will function under the existing Constitution, many conventions can be set up to liberalise its workings. For instance, the Viceroy need not preside at all meetings. Nominations to the Central Legislature could be made in accordance with the recommendations of organisations which should have representation; for examples, the Trades Unions, the Women's Conference, the Depressed Classes Conference, etc. There could be parliamentary secretaries representing the different departments, to answer questions or to take part in debates, instead of the permanent secretaries. In fact, the transitory provisions of the Government of India Act should be examined from this point of view.

20. To sum up: the Labour Government should take action immediately in London at the Centre (in Delhi) and in the Provinces and make a declaration setting forth both the purposes underlying its action and the details of each measure. Its first aim should be to restore goodwill and confidence in India that it means by every means in its power to seek a final solution of the problem before the next General Elections in Britain; then to establish, internally, a form of self-Government in India which will give encouragement to the democratic and socially progressive elements in the country; and to assist India to secure in the international world a place to which she feels entitled because of size and importance.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET

No. 31 THE VICEROY'S HOUSE, NEW DELHI, *20 August 1945*

Many thanks for your letter of 11th August.[1] The traditional weekly letters between the Secretary of State and the Viceroy are very useful and I agree that we must continue them. The letters are entirely private—they do not form part

[1] No. 19.

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of our official records, and outgoing Secretaries of State and Viceroys are entitled to remove their copies of them. But it has been my practice to take action on points raised in Amery's letters, particularly on official matters, and when action is necessary an extract is usually sent to the senior official concerned. I presume Amery did the same. I would not, for example, send a separate official letter or telegram about the compliment to be paid to the Maharaja of Nepal on his retirement, to which you refer in paragraph 4 of your letter; I should assume that you would take action on my private letter. I mentioned this matter in paragraph 18 of my letter to you of 5th August[2] and in the postscript. I came to the conclusion that a letter from the Prime Minister would be more appropriate than one from the King, and His Highness would undoubtedly be very pleased if Winston signed it as well as Attlee.

2. I have been dealing with your telegrams about the political situation, and before this letter goes I hope I shall know the terms in which His Majesty's Government wish me to announce the elections. I am clear that if another attempt is to be made at a long-term solution, there would be little point in an immediate reconstruction of my Executive Council so as to make it more efficient and reliable. The new Members could do little without some security of tenure and this it would be impossible to give them. I am not sure that I have stressed sufficiently the importance of a clear policy on Pakistan when a long-term solution is attempted. I have sent you a special telegram[3] about this because your colleagues, including Cripps, may not appreciate how the Party attitudes have hardened since the Draft Declaration of 1942 was put forward. An immediate announcement repeating the 1942 Draft with or without modifications might make Jinnah and the Muslim League refuse to co-operate, and even raise their demands. If the modifications were such as to satisfy Jinnah, they would certainly not satisfy the Hindus and Sikhs, and they might refuse to co-operate. A cut-and-dried announcement would almost certainly prejudice the success of any long-term plan, and there are other dangers also. As you will have seen from the proceedings of the Governors' Conference,[4] Glancy is most apprehensive about the effect of the Pakistan idea in its crude form on the Punjab. Jinnah would expect to take over the whole of the Punjab subject to minor adjustments. But of the five Commissioners' Divisions, two (Ambala and Jullundur) have no district with a Muslim majority, and in the Amritsar district of the Lahore Division the Muslims are outnumbered by the other communities. Glancy does not believe that the Punjabi Hindus or Sikhs would accept permanent inclusion in a Muslim State, and thinks that if they thought Pakistan was coming, there would be an open rebellion. He suggests that His Majesty's Government should make it clear that they are not going to force under Muslim rule substantial areas, e.g., whole Commissioners' Divisions which are predominantly non-Muslim; or, in other words, that Pakistan

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involves the partition of the Punjab. He feels that partition would be a disaster, and that if the Punjabis were faced with the alternatives of an Indian Union which included real safeguards for the Muslims, or Pakistan with the partition of the Province, they would choose the former. I will try to send you, perhaps by this bag, a more detailed study of the problem. But it is evident that His Majesty's Government must be most cautious in any immediate announcement they wish to make. It is easy to say that the Muslims cannot be allowed to hold up the settlement; but they are too large a proportion of the population to be by-passed or coerced without very grave danger.

3. I agree with you that detention without trial is undesirable. Most countries, including the advanced democracies, find it necessary to use it during War; and in India it has been tolerated in conditions which are often almost as difficult as those of war. Terrorism has been a serious menace in Bengal for many years and it is doubtful if it can ever be fully controlled by the ordinary processes of the Courts. There is the difficulty to which you refer, of securing evidence against terrorists—even when there are good grounds for a conviction, witnesses may be intimidated and sometimes murdered. There is also difficulty that unless the ringleaders are taken before they get going, which usually means before there is sufficient evidence against them to justify a conviction, outrages cannot be stopped. In addition to terrorism, we have occasional waves of agitation which it is impossible to control without the exercise of arbitrary powers. I believe that on the whole our wartime powers have been moderately used, and all the Governors are anxious to reduce the number of persons in detention as soon as possible. But I know that Casey does not want to be hurried about his more dangerous men. The problem is an extremely difficult one, and will not be made easier by the return of members of Bose's I.N.A. I have seen your telegram[5] to the War Department about these men, and the reply will be submitted to me in draft. I doubt if any really accurate classification into "Blacks" and "Greys" has been possible, and whatever policy we adopt, there may be serious trouble in the districts. This is the first occasion on which an anti-British politician has acquired a hold over a substantial number of men in the Indian Army, and the consequences are quite incalculable. Many of the I.N.A. men obviously have a great regard for Bose and he may yet become a national hero. The Cabinet should consider very carefully what to do about him. If he could be disposed of without being sent back to India, I am sure it would be a good thing.

I have the whole problem of the detenus very much in my mind, and will do what I can to get conditions back to normal. But in this country the choice is often between two unpleasant alternatives, and I am sure we should not be in too much of a hurry.

[2] No. 4. [3] No. 39. [4] No. 2. [5] No. 32.

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[Para. 4, on the idea that a Study Group headed by Sir O. Caroe should be converted into a private group of Indian and British officials, omitted.]

5. There have been no political developments during the week, Central or Provincial. The commutation of the death sentences in the Chimur and Ashti and similar cases arising from the disturbances in 1942 was well received. Fortunately the orders coincided with more important news about the Japanese surrender, and I have seen little editorial comment. Gandhi is reported to have claimed the credit for our clemency, and one newspaper has already suggested that the next step is to let all the men out. Just before the commutation of the sentences, Gandhi remarked casually that he was thinking of starting a fast. He gave no explanation of this. In fact he said that he did not know "how, when, and for what purpose" he would start it. I suspect that if the sentences had not been commuted, he might have fasted as a protest.

[Para. 6, on Mr Lawson's proposed visit to India and the possibility of discussing with him General Auchinleck's proposals for the future of the Indian Army, omitted.]

7. Dalal is circulating to Council a report on his visit to the U.K. and U.S.A. He is a little acid about the attitude of the Coalition Government, the Federation of British Industries, and the Associated Chambers of Commerce to his proposals for the repeal of the "safeguard" sections of the Government of India Act. I think he played his cards badly and I told him so at the time. He will have difficulty in getting his industrial policy accepted here. Briefly what he wants is to bring about twenty important industries under Central control by Central legislation, which is constitutionally possible. He is anxious that when this has been done, all new industries of any importance, which are not State-owned should, so far as possible, be financed by Indian capital and controlled by Indian Directors. He would like the Provinces to follow suit though he cannot compel them to do so. The "safeguard" sections of the Government of India Act have annoyed Indian opinion ever since they were passed, and I am told that at the time a good many people thought they were a mistake. But to press for their repeal before it is clear that Dalal's industrial policy has been accepted in India is a little unwise. The matter is controversial at the British end and I can quite understand that the former Cabinet did not want to be rushed into legislation before they knew what the Government of India intended to do and could do out here.

Otherwise Dalal seems well satisfied with his reception in the U.K., and seems to think that we shall after a time be able to get a good deal of U.K. equipment. He thought the High Commissioner's Office was in a poor state—your own Office will confirm this—and that the arrangements both for the education of Indian students and the technical training of Indians in industry needed more attention.

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His visit to the U.S.A. seems to have been quite successful though it has led to no very definite result. He was very pleased with the friendliness of the Canadians who seemed most anxious to help. Unfortunately the Indian industrialists made a bad impression in the U.S.A. and some of them, after accepting an invitation to visit Canada, cried off at the last minute after elaborate preparations had been made.

[Para. 8, on the Bhakra Dam, omitted.]

9. I have your telegram about the appointment of a successor to the Nawab of Chhatari as President of the Nizam's Council. I am not sure that we can provide for Mirza Ismail in a diplomatic appointment and in the end we may have to let the Nizam have him though I will avoid it, if possible. Nazimuddin would only be available if he were defeated at the next elections—Casey told me during the Simla Conference that he regarded him as almost indispensable. I doubt if Sultan Ahmed or Firoz would fill the bill; the latter in particular is increasingly lazy and irresponsible.

10. We have had some useful rain lately in parts of India where the monsoon was deficient, but there is still considerable anxiety about the *aman* crop in Bengal, and we may have to ask for help from Burma or Siam.

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Governor-General (War Department) to Secretary of State

Telegram, L/PO/10/25

MOST IMMEDIATE
SECRET

NEW DELHI, *21 August 1945, 2.30 pm*
Received: 21 August, 12.55 pm

No. 10494. Your No. 18179,[1] dated 17th August 1945. Policy regarding I.N.A. and 950 Regiment.

Your paragraph two. Detention without trial of approximately 1,400 persons against whom there is sufficient evidence for trial by Court-martial. Reasons why we do not propose to bring these persons to trial are practical. You will, we are sure, agree that the cases should be completed within a period of at most one year. For each Court 5 officers are required. We should have to find 250 officers to sit on Courts-martial as whole-time commitment to complete 2,000 cases within 12 months. In addition it will be necessary to employ as prosecutors officers with legal experience. As you know Army in India is under officer establishment by approximately 5,000 officers. We are proportionately even more short of officers with legal training. Even with the end

[1] No. 32.

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of the war the undertakings given regarding repatriation and release will mean that we cannot face this commitment in officers at present. It has further to be borne in mind that if 2,000 cases were dealt with in one year Commander-in-Chief would have to deal with approximately 40 cases weekly for confirmation. We are advised that we cannot as the law stands proceed by joint trial to prove the offences set out in paragraph 2 of our No. 10234[2] of 11th August, which we consider constitute the degree of guilt that should be punished. It would not, we feel, be advisable to set up any special procedure varying the normal working of the Army Act and the Indian Army Act for these particular cases.

2. Your paragraph three. We agree that the termination of hostilities with Japan has altered the situation to some extent. The facts however remain that these "Blacks" whose numbers we estimate may reach 7,000, are all ardent supporters of Bose and believe in violent means for the overthrow of the existing Government of India. At a Conference which was held with representatives of Provincial Governments on August 14th and 15th to discuss the means of implementing the policy proposed in our earlier telegram it became quite clear that no Government in India Central or Provincial could, in present conditions and with the prospect of difficult times ahead, face with equanimity the immediate and especially the simultaneous release of any large number of these "Blacks". Some of them were indeed apprehensive about "Greys". Bengal in particular stated that their Terrorists were eagerly awaiting the return of these determined persons trained in the use of arms, and methods of violence. In addition there is the obvious threat to the reliability of the Army and its recruiting areas which the Commander-in-Chief regards most seriously, particularly at a time when demobilisation and reorganisation are proceeding, and when we shall still have to despatch and to maintain overseas considerable forces.

3. We agree that a really satisfactory political settlement in India *would* radically alter the position and then, if ever, would be the moment for an amnesty for all except those who must be brought to trial. In the meanwhile we and the authorities throughout India who are responsible for its peace and tranquillity must be allowed to use powers provided in war time to deal with a problem of unparalleled difficulty that has arisen directly out of the war.

4. We would emphasize that in making our proposals we have had to bear in mind two widely different points of view. On the one hand under military law and universal usage "blacks" have committed the most serious offence of which a soldier can be accused. There is a strong feeling against them among soldiers of the Indian Army against whom they fought. It is also necessary to remember the point of view of those prisoners who resisted enemy attempts to subvert their loyalty. On the other hand we have no doubt that the great majority of the "greys" acted under a misapprehension as to the facts and under extreme pressure. Indian opinion in general is inclined to regard Bose

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as a patriot even though it may regard his actions as misguided. Harsh measures against the I.N.A. as a whole would undoubtedly be wounding to the majority of Indian opinion. Our proposals are designed to steer a middle course between these two points of view and to punish only the leaders, while those we consider were misled are treated with clemency and we detain the remainder for the shortest period, consistent with maintaining reliability of the Indian Army and the public peace.

5. We are prepared—and this point was settled at the Conference with Provincial representatives referred to above—to carry out a continuous review of the cases of all detained "blacks" through joint military and civil committees in each Province. Such a review would be held on each case as soon as possible after the order of detention and would be repeated at intervals of not less than six months. In some cases detention might be for a nominal period only. By these means we should hope to secure a fairly steady stream of spaced releases and thus avoid ever having the whole number in custody at any one time. If we are asked to go beyond this we consider the consequences would be most serious.

6. Your paragraph five. With regard to the Communiqué, we agree that it should be made clear that the policy refers to all prisoners in enemy hands including 950 Regiment and we have amended the second paragraph to make this clear. The intention of the first two sentences is to summarise the policy in the opening paragraph and is in accordance with the general practice in Press announcements based on the advice of experienced journalists.

7. We regret that it has not been possible to give you more opportunity for study of the problem. But the matter is pressing. Indian political leaders, and in particular both Gandhi and Jawaharlal Nehru are taking a keen interest in this matter. We regard it as most important to forestall criticism from this quarter by the very early publication of a statement of policy. We believe that the statement will be found to be more generous than the public expect and that if it is made without delay reaction will not be markedly unfavourable. But if it is delayed until the agitation has had time to gather way, our statement of policy will be largely discounted and we shall in fact be forced on to the defensive. We are therefore most anxious to issue Communiqué if possible before end of this week, i.e., before 26th. Executive Council will have to be consulted.

8. With regard to your paragraph 4. Considerable amount of work has been done on examination of effect of Japanese surrender on War Emergency legislation. We trust you will consult us in due course on this question since we do not think it is possible to estimate our requirements in United Kingdom.

9. Viceroy has seen.

[2] No. 17.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/8/102: f 132

IMPORTANT *21 August 1945*

No. 1361-S. On hearing that elections are to be held almost immediately Firoz Khan Noon has asked to be permitted to resign from September 15th so that he may resume active part in politics. I recommend acceptance of resignation.[1]

[1] In tel. 18928 of 25 August, Lord Pethick-Lawrence informed Lord Wavell that he agreed Sir Firoz Khan Noon's resignation should be accepted. L/P&J/8/102: f 129.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/524: ff 184-5

MOST IMMEDIATE INDIA OFFICE, *21 August 1945, 7 pm*

PRIVATE

459. Superintendent Series. I think that before you leave India and while you are still able to consult in strict confidence such of your Advisers as you wish, you ought to be aware of the line of policy towards India which H.M.G. have in mind and on which they wish to consult you before committing themselves to it or making any public announcement of it. Put very summarily, H.M.G.'s view is that as the war has come to an end and as the Provincial elections, which were foreseen in paragraph (*d*) of the draft declaration of March 1942 to be necessary at the end of hostilities, are now to be held, we should revert to the offer then made by H.M.G. to India and use the Provincial Lower Houses resulting from the forthcoming elections, as an electoral college which would elect a constitution-making body by proportional representation, the Indian States being invited to appoint representatives alongside the British Indian component, in the manner laid down in the offer of 1942. The processes following the work of this constituent assembly would, it is contemplated, be governed by the same conditions as are laid down in paragraph (*c*) of the Cripps offer. This seems to H.M.G. to be the logical course and the straightforward one in view of the repeated statements that H.M.G. abide by the principles of that offer. But they realise that in the three-and-a-half years that [have] elapsed, much of political significance has occurred in India, and before proceeding to announce their policy H.M.G. would wish to consult you upon it.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/P&J/10/20: ff 136–43

No. 592/14 THE VICEROY'S HOUSE, NEW DELHI, *21 August 1945*
Received: 27 August

Dear Pethick-Lawrence,
I mentioned in my weekly letter[1] the delicacy of the Pakistan issue and the views of the Governor of the Punjab about it, and said I would try and let you have by the same bag a fuller statement of my own views.

2. I enclose an extract from a letter of 16th August[2] from the Governor of the Punjab to me, together with a memorandum of my own. The memorandum deals only with the Punjab, which is the most difficult of the Pakistan Provinces. The position in Bengal is similar, but the Punjabis are tougher than the Bengalis, and the Sikhs, who were the rulers in the Punjab before we annexed it, would fight rather than see their Holy Land pass under permanent Muslim rule.

3. I am sure that the Pakistan idea is stronger in the Muslim minority Provinces than in the Pakistan Provinces. At first sight this may seem surprising, but the Muslims in Sind, Baluchistan, the North-West Frontier Province, and the Punjab are already well on top, and with a little forbearance can keep their minorities fairly contented. They would gain little or nothing by Pakistan, which would create for them large and perhaps uncontrollable minority problems. In Bengal the Muslims, though numerically dominant, are inferior to the Hindus in wealth and education, and they too would probably lose more than they would gain by Pakistan. Assam is not really a Muslim majority Province, and its inclusion in Pakistan seems to me very doubtful.

4. I have tried to bring out in my memorandum the danger of an attempt at a quick solution. Since I took charge as Viceroy it has been quite clear that on the Pakistan issue the Muslims and the other communities are at present irreconcilable. The object of the Simla proposals was to by-pass the Pakistan issue and to get the parties working together in the Central Government in the hope that after some inside experience they would take a more realistic view. As things are now we cannot evade the issue. But we cannot safely deal with it just as an incidental part of some precise long-term plan, for the communities will not discuss any such plan unless they are first satisfied about Pakistan,

[1] No. 47, para. 2.
[2] Lord Wavell sent Lord Pethick-Lawrence the same paras. of Sir B. Glancy's letter as are reproduced in No. 29.

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and in the present state of feeling it would be quite impossible for us to satisfy them. I think there is much to be said for the Governor's view that the crudity of Jinnah's ideas should be exposed; and it seems to follow that some enquiry into the possibilities of Pakistan is a necessary preliminary to any further constitutional discussion. I have always wished to avoid an enquiry of this kind, as I believe Jinnah would boycott it, and it would give rise to much communal feeling. But I am sure that until we have cleared the ground and can put forward counter-proposals based on logical and convincing arguments we cannot now make much progress.

Yours sincerely,
WAVELL

Enclosure to No. 51

MEMORANDUM

PAKISTAN AND THE PUNJAB

The official definition of Pakistan is still that contained in the Muslim League's resolution passed at Lahore in 1940, which runs as follows:—

> "Resolved that it is the considered view of the Muslim League that no constitution or plan would be workable in this country or acceptable to Muslims unless it is designed on the following basic principle, viz., that geographical contiguous units are demarcated into regions which should be so constituted, with such territorial readjustments as may be necessary, that the areas in which the Muslims are in a majority as in the North-West and Eastern zones of India should be grouped together to constitute independent States in which the constituent units shall be autonomous and sovereign."

The concluding words, as Coupland has pointed out, are far from clear, as it cannot have been intended that the "constituent units" should be sovereign.

2. As far as I know, Jinnah has only once given any explanation of this definition. Towards the end of his correspondence with Gandhi in 1944 (in a letter of 25th September) he stated as one of the major differences between them that Gandhi did not accept—

> "that Pakistan is composed of two zones, north-west and north-east, comprising six provinces namely Sind, Baluchistan, the North-West Frontier Province, the Punjab, Bengal, and Assam subject to territorial adjustments that may be agreed upon as indicated in the Lahore resolution."

The "geographical contiguous units" of the resolution are evidently the provinces named above, and it is probable that the "readjustments", though they may be considerable, would not in Jinnah's mind amount to partitions.

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3. This means that Jinnah expects to take over the Punjab as a unit—possibly less the whole or a part of the Ambala Division. The procedure he contemplates would be in four stages:—

first: the acceptance by H.M.G. of the inherent right of the Muslims, as a separate nation, to self-determination;

second: agreement with H.M.G. as to the "territorial readjustments";

third: a plebiscite of Muslims only within the "readjusted" Punjab; and

fourth: on the basis of the Muslim plebiscite the inclusion of the Punjab as an autonomous (but presumably not sovereign) unit in North-Western Pakistan, the other units in which would be Sind, Baluchistan, and the North-West Frontier Province.

This is what has recently been described as "Pakistan in its crude form".

4. The Punjab is divided into 29 Districts which are grouped in five Divisions of five or six Districts each (Multan, Rawalpindi, Lahore, Jullundur, and Ambala). The official language of the Province is Urdu, but the language spoken by the great majority of the people is Punjabi, the dialects of which differ considerably from one another but are closely connected. The only large block of non-Punjabi speakers is the Ambala Division, where most of the villagers speak Sanskritic dialects other than Punjabi.

Statement I appended to this memorandum gives population figures for the Punjab as a whole from the Census of 1941. The total population (both sexes and all ages) is 28·4 million, made up of 16·2 million Muslims and 12·2 million Hindus and "Others". On these figures alone it would be impossible to accept Jinnah's plan, for it would be unjust to give 16·2 million people the right to settle in perpetuity the future of another 12·2 million.

Statement II gives the figures by Divisions, and shows that the position is even more difficult than that. In three of the five Divisions the Muslims are in a majority. Two of these "Muslim majority" Divisions (Multan and Rawalpindi) are Muslim country, with a population of roughly 11 million, made up of roughly 9 million Muslims and 2 million Hindus and "Others". The third (Lahore) is much more mixed, and of its total population of 7 million, 4 million are Muslims and 3 million Hindus and "Others". The Lahore Division includes Amritsar, and in the Amritsar district the Muslims are not in a majority. In two other districts (Lahore and Gurdaspur) the Sikhs own much of the land and enjoy a political and economic position disproportionate to their numbers.

The Punjab thus consists of:

(i) a predominantly Muslim area (the Multan and Rawalpindi Divisions) in which there are roughly 2 million Hindus and "Others";

(ii) a "mixed" area (the Lahore Division) in which, for practical purposes, the Muslims and the rest may be regarded as nearly equal (the Muslims number about 4 million to 3 million of the rest); and

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(iii) a predominantly non-Muslim area (the Jullundur and Ambala Divisions) in which the Muslim minority numbers roughly 3 million.

On this analysis it is clear that Jinnah's plan for a Muslim plebiscite would be unjust not only to a large number of non-Muslims, but to a large block of predominantly non-Muslim country. Nor do any "territorial readjustments" seem feasible. The separation of the Ambala Division from the rest of the Punjab is not a solution, for it leaves in Pakistan the Jullundur Division, and almost the whole of the Sikh "Holy Land" which comprises several districts in the Lahore and Jullundur Divisions. The separation of the Multan and Rawalpindi Divisions from the rest of the Punjab would not give a satisfactory Muslim unit and would certainly not appeal to the Muslims. Finally, a partition with the boundary running through the Lahore Division would lead to endless minority problems in the two new units, and would cut right across a homogeneous Punjabi speaking area. As Coupland has pointed out, the cities of Lahore and Amritsar are only 25 miles apart, and to plan the boundary of two sovereign States between them would be an extremely awkward and perhaps an impossible arrangement.

5. I am clear therefore that the Punjab cannot be included in Pakistan as it stands, or with "territorial readjustments", on a Muslim plebiscite. Jinnah's plan is unjust in its application to the Punjab, and its acceptance would lead to something like civil war.

6. If His Majesty's Government reject Jinnah's plan—as I think they must—they must consider very seriously what to offer in its place, and how to make their announcement. The Muslims are too numerous and too influential in India as a whole to be disregarded, and our handling of them is vital to a settlement of the Indian problem.

7. Before examining possible offers by H.M.G. I think some appreciation of the strength and influence of the Pakistan idea is necessary. The wide popularity of this idea among Muslims is based upon (i) its Islamic appeal, which is common to all Provinces, and (ii) a genuine dread of Hindu domination, which is for obvious reasons stronger in the non-Pakistan than in the Pakistan Provinces. In the Punjab, successive Muslim leaders (Fazl-i-Hussain, Sikandar Hayat Khan, and Khizar Hayat Khan) have realised that stable government is possible only if there is a genuine partnership between considerable sections of the Muslims, Hindus and Sikhs. The Muslims inevitably dominate the Cabinet, and have much to gain by such a partnership. On the other hand, they have much, perhaps everything, to lose by advertising their strength, for a united Hindu–Sikh opposition aided by a few Muslim renegades could make orderly government impossible. A sensible partnership has existed since 1920, but it can continue only if the Muslim leaders abstain from extreme policies, of which

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Pakistan is one. There is therefore a small but influential body of Muslims who understand the political realities and do not really want a radical change. But they dare not say so openly, for the uninstructed Muslim sentiment about Pakistan is intensely strong, and there is little doubt that in the Punjab as elsewhere Jinnah will win most of the Muslim seats at the next elections. The immediate situation is therefore likely to be one in which Jinnah will press his extravagant Punjab demand, and if it is rejected will accuse H.M.G. of disregarding a clear mandate from the Muslim electorate. On a longer view, educated Muslim opinion may gradually appreciate the impracticability of Pakistan in its crude form.

8. H.M.G. will certainly be in a most difficult position, for they can make no counter-proposal which is likely to satisfy both Muslims and non-Muslims. The possibilities seem to be:—

(i) a loose form of Federation, to which all Provinces, and later all States, would be required to accede, and in which Central powers would be reduced to a minimum, and Muslims would be given equality with all other communities in the Central Executive; or

(ii) a Federation of a tighter kind, but with provision for Provinces and States to come in or stay out, or to secede after coming in, if they so desired.

I doubt if (i) would be acceptable from Jinnah's point of view. It would be opposed by most of the Hindus. But it (or something like it) is really the only solution for the Punjab.

Jinnah would certainly oppose (ii)—which is a reversion to the draft declaration of 1942—because we could not accept a Muslim plebiscite, and the decision of the Punjab to come in or stay out, whether taken by vote of the Legislature or by general plebiscite, would have to be based on a majority so substantial as to ensure that the Hindus and Sikhs were not hostile. The Hindus would object to this solution on principle, and it would not be conducive to peace in the Punjab.

9. The timing and form of any announcement by H.M.G. of their views on Jinnah's demands, and of any counter-proposals, are of the highest importance. I think it would be most unwise for H.M.G. to commit themselves in any way without mature consideration. If they condemn Jinnah now, his hands will be strengthened, and any counter-proposals put forward now (whether related to the prospective results of the elections or not) will almost certainly be rejected by the Muslims or the Hindus and Sikhs, or all of them, before they are even discussed. We are now in the position which the Simla proposals were designed to avoid, and before we can make any progress we must attack the Pakistan issue by itself and in earnest. The Punjab is a good example of its complexity,

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and if H.M.G. intend a long-term plan, I suggest that before they make any counter-proposals a thorough enquiry—perhaps by a Parliamentary Committee—into the practicability of Pakistan should be made. In this matter time is on the side of common-sense, and if there is an interval during which the Muslim League are in office in the Punjab under the present constitution, I think the experience might be valuable.

STATEMENT I

(Figures from Census, 1941)

PUNJAB

Muslims	16,217,242
Hindus (including Scheduled Castes)	7,550,372
Others (including 3,757,401 Sikhs)	4,651,205
TOTAL Hindus and Others	12,201,577
TOTAL POPULATION OF THE PUNJAB	28,418,819

STATEMENT II

(Figures from Census, 1941)

PUNJAB DIVISIONS

PART A—DIVISIONS IN WHICH MUSLIMS ARE IN A MAJORITY

Divisions	Total Population	Muslims	Hindus	Others
Multan	6,365,817	4,801,565	884,355	679,897
Rawalpindi	4,700,958	4,020,141	414,670	266,147
Lahore	7,218,001	4,199,658	1,201,062	1,817,281
TOTAL	18,284,776	13,021,364	2,500,087	2,763,325
			5,263,412	

Notes: (1) Muslims are in a majority in all districts in the Multan and Rawalpindi Divisions. Sikhs have a considerable interest in the Canal Colonies of the Montgomery and Lyallpur districts of the Multan Division.

(2) Muslims are in a minority in the Amritsar district of the Lahore Division, and Sikh influence in the Lahore, Amritsar and Gurdaspur districts is very great.

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PART B—DIVISIONS IN WHICH MUSLIMS ARE IN A MINORITY

Divisions	Total Population	Muslims	Hindus	Others
Jullundur	5,438,581	1,877,742	1,950,802	1,610,037
Ambala	4,695,462	1,318,136	3,099,483	277,843
TOTAL	10,134,043	3,195,878	5,050,285	1,887,880
			6,938,165	

Note: Muslims are in a minority in all districts in the Jullundur and Ambala Divisions.

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Maulana Azad to Field Marshal Viscount Wavell

Wavell Papers. Official Correspondence: India, January–December 1945, p. 270

SRINAGAR (KASHMIR), *22 August 1945*

Dear Lord Wavell,

I sent Your Excellency the following telegram last night immediately after hearing over the radio the announcement that elections to the Central and Provincial Legislatures are going to be held as soon as possible:—

"Just heard radio announcement regarding elections to Central Legislatures before next Budget Session and early general elections to Provincial Legislatures. I cannot help registering my organisation's emphatic protest, for Congress is still under ban, political prisoners and detenus in prisons, many under severe handicaps, funds and properties confiscated, civil liberties drastically reduced under war-time Ordinances, and Defence of India Act and Rules still in operation. Cessation of hostilities in Europe was immediately followed by withdrawal of War-time measures and restoration of normal conditions in England for electorate to express its will freely. It would be glaringly unjust to hold elections without first allowing Congress to function normally for sufficient time to organise elections".

In view of the urgency of the situation created by the announcement, I regret I was constrained to release the contents of the telegram to the Press.

It was on the 16th of July that I addressed you a letter[1] about the restoration of normal conditions for the Congress to function, which included the lifting of the ban, release of the political prisoners and detenues and various other connected matters. The cessation of hostilities with Japan precipitated a situation

[1] Vol. V, No. 614; the date should be 15 July.

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which called for the immediate withdrawal of all emergency measures and orders intended for the duration of the war. If general elections are to take place shortly it is but only natural that the biggest political organisation and its sympathisers should have the fullest freedom for effective participation in the forthcoming elections, and the electorate should have the fullest opportunity to express its will freely. The recent English precedent provides an unmistakeable guide in this respect. I once again invite your attention to the justice and the imperative urgency of our demand, and earnestly hope that it would soon be made possible for the Congress to function normally without the handicaps by which it is at present seriously hampered.

Yours sincerely,
A. K. AZAD

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Memorandum by Sir E. Jenkins and Minutes by Sir E. Jenkins and Field Marshal Viscount Wavell

Wavell Papers. Political Series, July–September 1945, pp. 55–61

22–23 August 1945

MEMORANDUM

The Secretary of State's private telegram No. 459[1] of 21st August shows that His Majesty's Government contemplate a reversion to the Draft Declaration of 1942. If this idea is accepted, the procedure will be as follows:—

(1) General elections to the Provincial Legislatures will be completed.
(2) As soon as the results of these general elections are known, all the Members of the Lower Houses of the Provincial Legislatures will be summoned to form an "Electoral College".
(3) The "Electoral College" so formed will elect the British Indian element of a constitution-making body.
(4) The Indian States will then be invited to appoint representatives to this constitution-making body "in the same proportion to their total population as in the case of the representatives of British India as a whole and with the same powers as the British Indian members".
(5) The constitution-making body will frame a new Constitution for India.
(6) His Majesty's Government will accept and implement forthwith the constitution so framed subject only to—
    (*i*) the right of any Province of British India that is not prepared to accept the new Constitution to retain its present constitutional

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position, provision being made for its subsequent accession if it so desires; and

(*ii*) the signing of a treaty which will be negotiated between His Majesty's Government and the constitution-making body and which will provide *inter alia* for the protection of racial and religious minorities.

2. Statement I appended to this memorandum gives the composition of the Electoral College which has been obtained by totalling the various columns in the table of seats appended to the Fifth Schedule to the Government of India Act, 1935.

Statement II shows the composition of the constitution-making body on certain rough assumptions. The British Indian element will number 159 or 1/10 of the total strength of the Electoral College, and it has been assumed that the members of the Electoral College representing special constituencies will be half Hindu and half Muslim. In point of fact the Hindus are probably in a majority. It has further been assumed that, given 159 representatives of British India in the constitution-making body, the States element would number about 50, of whom about 30 would be Hindus and 8 Muslims, the other 12 seats being distributed over the various other communities. The constitution-making body would probably have a clear majority of Caste Hindus.

These statements must be borne in mind in considering what follows.

3. The long-term proposals in the Draft Declaration were rejected by all Parties. The Congress said they ignored "the 90 millions of people in the Indian States" who were to have no voice in shaping the constitution, and objected to "the novel principle of non-accession" as "a severe blow to the conception of Indian unity". The Congress agreed that it would be impossible to compel the people of any territorial unit to remain in an Indian Union against their will, but said that they could not accept the use of compulsion against "other substantial groups" within any unit which wished to secede.

The Muslim League objected to the declared intention of creating one Indian Union, and held that the right of non-accession was vitiated by the maintenance of the existing Provinces with their illogical frontiers. The Muslim League added that they could not participate in a constitution-making body which was not elected by separate electorates and in which the decisions were apparently to be taken by a bare majority.

The Mahasabha rejected the proposals because they did not maintain the unity of India.

The Sikhs rejected them saying that they would resist by all possible means the separation of the Punjab from the proposed All-India Union.

[1] No. 50.

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The Scheduled Castes contended that the proposals would place them "under an unmitigated system of Hindu rule".

The Anglo-Indians expressed considerable anxiety, and the Indian Christians took much the same line as the Congress.

The States were concerned about their Treaty rights and noticed the omission of the reference to States in the non-accession provisions.

4. We have now to consider what changes have occurred since 1942 and whether the proposals have any better chance of acceptance now than they had then.

The first and most important change is that we have won the War and that there can be no feeling now as there was in 1942 that the British are making an offer because they are weak and afraid.

To balance this change in our favour, the transition from war to peace conditions is now upon us, and the political parties must be conscious that they have a far higher nuisance value both in the U.K. and here than they had while the British were fighting for their lives.

But the most important change is that since 1942 the attitude of Jinnah and the Muslim League has hardened and that the Muslim League are committed to statements and demands which they will find it difficult and perhaps impossible to abandon. It is to this aspect of the situation that special attention should be directed.

5. Jinnah has made it perfectly clear that the Muslims will not participate in any interim or long-term settlement unless—

(1) a declaration is first made by His Majesty's Government, that the Muslims have an inherent right of self-determination;
(2) in any Interim Government that may be established, the Muslims are given parity with all other communities and are nominated by the Muslim League alone; and
(3) the right of Sind, Baluchistan, the N.-W. Frontier Province, the Punjab, Bengal, and Assam to secede from the rest of India is determined (subject to such "territorial adjustments" as may be thought necessary) by a plebiscite of their Muslim residents only.

Jinnah expects that the Muslim electorate both for the Central and for the Provincial Legislatures will give him a mandate to press these demands still more seriously on His Majesty's Government.

6. It is therefore virtually certain that Jinnah, though he favours general elections for the Central and Provincial Legislatures, will not permit his followers to enter the Electoral College; still less will he permit them to join the constitution-making body. If this forecast proves wrong and as a matter of tactics Jinnah lets his followers get as far as the constitution-making body,

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they will at that stage demand an assurance of what they conceive to be their rights before they go any further. The idea of a single constitution from which units may stand out on a general plebiscite will thus be infructuous and one more offer by His Majesty's Government will have been thrown on the scrap-heap.

7. An application of Jinnah's demands to the Punjab shows that they are quite impracticable. The Punjab is made up of two Divisions which are genuine Muslim country, two Divisions which are predominantly Hindu and Sikh, and one Division (the Lahore Division) which is mixed. It would be quite impossible to decide the future of the Punjab even with fairly substantial "territorial readjustments" on a Muslim plebiscite and no partition would lead to the formation of a genuine Muslim State. His Majesty's Government cannot accept Jinnah's demands in their present form and Jinnah certainly will not accept the substance of the Draft Declaration of 1942.

8. I have not dealt above with the probable attitude of the other British Indian Parties. The Congress are protesting against the general elections on the ground that many of their supporters are still in detention, that their funds have been confiscated and so on. But in their present mood they would probably accept the Draft Declaration. The Mahasabha and the smaller communal parties would probably not do so.

9. A grave defect in the Draft Declaration was its vagueness about the States and there is nothing in the telegram to suggest that this would be removed in any revised version that may appear.

10. It will not suffice simply to criticise His Majesty's Government's Plan. An alternative to it must be suggested. The trouble is that there is no simple alternative. No plan which involves the discussion of Pakistan as an incidental part of a long-term solution has the slightest chance of success because Jinnah and the Muslim League would simply refuse to co-operate in it at all. It seems therefore that His Majesty's Government must in the first instance get their policy about Pakistan clear. They cannot simply overrule Jinnah—the Muslims are too large and too influential a minority for that. But they might find means of challenging Jinnah to explain and justify the Pakistan idea in full detail. An enquiry of some kind, e.g., by a Judge of acknowledged eminence assisted by Indian assessors, might clear the ground and convince those who are capable of thought that in a province like the Punjab or Bengal the non-Muslims cannot be disregarded. But there is always the likelihood that Jinnah would boycott such an enquiry, and if he did so, we should have made no progress.

11. I think the best advice to give His Majesty's Government is probably—

(*a*) that the Draft Declaration is even less likely to be accepted now than it was in 1942;

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(*b*) that the Pakistan idea must be dealt with by itself as the major obstacle to a settlement before other matters are discussed; and

[2](*c*) that it is not sufficient to give the States representation in a constitution-making body without any indication of their subsequent rights as units.

The objective might be a transitional form of Federation based on the 1935 Act, with provision for growth and change. Before we can attempt to form any Union of this kind, we must be clear as to the extent to which the Muslim demands can be met.

E. M. JENKINS,—22-8-45.

STATEMENT I

COMPOSITION OF ELECTORAL COLLEGE

A. Communal Constituencies.	Hindus (including 28 women)	685	
	Scheduled Castes . . .	151	
	Backward Areas and Tribes .	24	
	Sikhs (including one woman)	35	
	Anglo-Indians (including one woman)	12	
	Europeans	26	
	Indian Christians (including one woman). . . .	21	
	Total Non-Muslims . . .		954
	Muslims (including 10 women) .		492
B. Special Constituencies.	Commerce, Industry, Mines and Planting		56
	Landholders		37
	Universities		8
	Labour		38
	GRAND TOTAL . .		1,585

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STATEMENT II

COMPOSITION OF CONSTITUTION-MAKING BODY

	(i) *British India*	(ii) *States*	TOTAL
Hindus	76	30	106
Scheduled Castes	15	5	20
Backward Areas and Tribes	2	2	4
Sikhs	4	2	6
Anglo-Indians	1	1	2
Europeans	3	..	3
Indian Christians	2	2	4
Total Non-Muslims	103	42	145
Muslims	56	8	64
GRAND TOTAL	159	50	209

Generally it has been assumed that with a British Indian element of 159 (one-tenth of the Electoral College) the States element would be 50.

Notes: (*i*) It has been assumed that one half of the members of the Electoral College representing Special Constituencies would be Hindus and the other half Muslims.

(*ii*) The distribution of States representation over communities is necessarily very rough.

H.E.—

I have discussed with Home Member, the Political Adviser and Mr. Menon this evening my memorandum below [above] on the Secretary of State's telegram No. 459 of 21st August. We reached the following conclusions:—

(i) In all these matters the time factor is of the very greatest importance. In Mr. Menon's opinion the proposals in the Draft Declaration of 1942 would take not less than six years to put through including long periods for negotiations with the States, the drafting of the constitution and treaty, the acceptance of these documents by His Majesty's Government and the legislation in Parliament.

(ii) The Draft Declaration of 1942 would be entirely unacceptable to the parties in India and His Majesty's Government should not revive it.

(iii) The Pakistan issue is vital not only to British India but to the States. If British India is partitioned there will be no incentive to the States to co-operate with the British Indian Provinces and they will wish to stand out permanently as independent sovereign units.

[2] [Note in original:] Corfield points out that the letter to H.H. the Chancellor in 1943 [see Vol. III, No. 309, note 4] made it clear that the States were free to come in or stay out. E.M.J.—23.8.45.

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(iv) It would be most unwise for His Majesty's Government to commit themselves until the elections are over. The elections will show either that the Muslim League represents the great majority of Muslim voters or that it does not do so, or possibly, that it commands general support in some parts of India but not in others. The tone but not necessarily the substance of His Majesty's Government['s] approach to the problem can be settled only when the elections are over.

(v) Unless the elections unexpectedly reduce the prestige of the Muslim League, and there is a general disposition to co-operate on the part of those in power in the Provinces, it would be unwise to revive the Simla proposals, or anything like them on the basis of the election. Mr. Menon disagrees with this view and thinks that after the elections an attempt should be made to form a "political" Government at the Centre, perhaps by calling Provincial Premiers into consultation. Sir Conrad Corfield holds that any further attempt to create a "political" Executive Council for British India would make the participation of the States in any long-term settlement much more difficult.

(vi) Whatever view is taken on (v) above there should be an enquiry into the Pakistan issue by some individual of acknowledged eminence, e.g., the present Master of the Rolls. The terms of reference for this enquiry should be widely drawn and the word Pakistan should not appear in it. "To consider the position of the minorities in India and to recommend the measures to be taken by His Majesty's Government in constitutional planning to meet their legitimate interests without creating new minority problems"—or something of that kind might do.

(vii) On the result of this enquiry His Majesty's Government should propound a transitional federation based upon the 1935 Act with the minimum modifications to enable the units which it was decided to federate to come together.

(viii) to sum up we recommend:—

(*a*) That no announcement of any consequence be made until the elections are over. If necessary His Majesty's Government might say that after the elections they hope that Provincial Ministries will be formed as this would assist them in their long-term planning.

(*b*) That after the elections no further attempt be made to form a "political" Executive Council unless conditions are unexpectedly favourable.

(*c*) That after the elections an enquiry be made into the Pakistan issue on wide terms of reference as indicated above, and

(*d*) that as soon as this enquiry is complete an attempt be made to establish a transitional federation by making the minimum amendments in the 1935 Act. The task of framing the permanent constitution should then be placed upon the new transitional government.

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2. We all realise that these proposals are not satisfactory, and that they may involve extremely elaborate Parliamentary legislation. We also realise that if an attempt on these lines fails His Majesty's Government will be brought finally up against the Congress, or the Muslim League, or both, and that then some decision supported by force may be inevitable. But we think the present situation dangerous and it is highly desirable to force responsibility into Indian hands as soon as this can be done.

E. M. JENKINS,—22-8-45.

I think it would be wise to send a short telegram to Secretary of State on the lines of paragraph 11 of your memorandum and I (viii) above. Please draft.

I should like to take this memorandum and note with me.

W,—23-8-45.

I submit a draft. I took the opportunity of discussing the situation with Sir A. Rowlands this morning and showed him these papers. He agreed generally with the line taken, but said he was very seriously alarmed at the prospect of carrying on indefinitely with the present Executive Council. The urgent problem[s] facing the Government of India are formidable, and he does not think the present Members are capable of dealing with them.

E. M. JENKINS,—23-8-45.

Draft approved with additional sentence.[3] I agree that the present Council is not a strong body, but you know the difficulties of making a change.

W,—23-8-45.

[3] See No. 59.

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Mr Patrick to Sir D. Monteath

L/P&J/8/531: ff 20–5

22 August 1945

Sir D. Monteath

I append a note containing a suggestion for S/S's consideration about an alternative approach to implementation of the Declaration of 1942 if Lord Wavell sees irremovable objections to the approach envisaged in his memorandum[1] to the Cabinet.

P. J. P.

[1] No. 37.

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Enclosure to No. 54

THE NEXT MOVE IN INDIA

ALTERNATIVE TO PAKISTAN

In the Viceroy's telegram of 19th August No. 1337-S[2] he advises that a plan involving formation of a constitution-making body shortly after the elections are completed would involve most careful consideration of the Pakistan issue. That issue is analysed in detail in Chapter VIII of Coupland Vol: III[3] and the origin of Pakistan and the growth of the idea are fully described in pages 195–207 of Volume II,[4] which concludes with the observation "It was undeniable that a very substantial section of Moslem opinion, headed by almost all the best-known figures in Moslem politics, had decided—irrevocably or not remained to be seen—that they would rather split India into several sovereign States than submit to a Hindu Raj".

2. The Viceroy in his telegram quotes the opinion of the Governor of the Punjab that "if Pakistan becomes an imminent reality, we shall be heading straight for bloodshed on a wide scale; non-Moslems, especially Sikhs, are not bluffing, they will not submit peacefully to a government that is labelled Muhammedan Raj." In Sir B. Glancy's view the choice lies between an Indian Union of a kind not at present acceptable to Moslems, and the partition of the Punjab with a devastating effect on the future of the Province. The problem in Bengal is stated to be similar. Lord Wavell when he discusses the situation with H.M.G. may be expected to press his view that H.M.G.'s long term intentions should not be announced in any detail until they have formed definite conclusions on the Pakistan issue.

3. H.M.G.'s Declaration of 1942 promised immediate steps on the cessation of hostilities to set up in India an elected constitution-making body of which they outlined the method of composition, to take place in that form, immediately upon the result of the elections necessary in the provinces at the end of hostilities being known, unless before the end of hostilities the leaders of Indian opinion in the principal communities agreed upon some other form. On the assumption that Lord Wavell will be opposed to the immediate implementation of the Declaration in its present form, the problem is to discover whether there is any alternative form, although this has not been agreed upon between the leaders of Indian opinion, whereby while maintaining the principles of the Declaration, H.M.G. could better win Moslem participation in the working out of an Indian constitution.

The Indian States

4. The Simla Conference and its aftermath have hitherto produced no very definite reaction among the States. As the States are invited in the Declaration

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to participate in a constitution-making body, it would seem important to know how the minds of the Princes and their advisers are now working. The population of the States is roughly the same as that of the Moslems in British India, and their territories form about two-fifths of India. Coupland (Vol. III Chapter XII) discusses the practical difficulties of forming a Union of India which did not include the States. In a Resolution of the Chamber of Princes[5] the Declaration of 1942 was welcomed in the hope that it might help to unite India, with the rider that any scheme acceptable to the States must effectively protect their Treaty rights. In regard to fulfilment of the latter condition the Delegation which met the then Lord Privy Seal expressed considerable apprehension.[6] There is no special reason to think that the States are now more satisfied on this point. The office bearers and Standing Committee of the Chamber have only recently[7] withdrawn resignations announced last December after what they held to be an unsatisfactory reply from the Crown Representative to their representations about the position of the treaties in present circumstances. On the other hand, with the change of Government it must be plain to the Princes that there will be no standing still in the endeavour to confer self-government on India and that they will very shortly again be faced with the question of participation in constitutional discussions.

Possible revival of Federal Plan

5. When Sir R. Mudaliar and Sir V. T. Krishnamachari (former Prime Minister of Baroda and a veteran adviser of Indian States) passed through London on their return from San Francisco to India, it appeared that they had discussed among themselves in America the problem of the participation of the States in an Indian constitutional advance. Sir V. T. Krishnamachari was impressed with the consideration that events would move very fast and would overtake the slow moving deliberations of Princely circles. But he thought that there would be a core of opinion among States Ministers in favour of making some definite move from the States to insure against the ground being cut under their feet. He remained a convinced adherent of Federation in accordance with the general principles of the Government of India Act and considered that this, while the best guarantee for the States, also offered the best immediate prospects for India as a whole, since (1) the scheme allowed for transition from self-government with safeguards to full self-government and (2) the entry of the States into a Federation introduced new political problems (of reconciling democracy with autocracy) which might well blur the existing

[2] No. 39.

[3] Sir R. Coupland, *A Report on the Constitutional Problem in India.* Part III, *The Future of India* (London, Oxford University Press, 1943).

[4] *Ibid.* Part II, *Indian Politics, 1936–42* (London, Oxford University Press, 1943).

[5] *Proceedings of the Chamber of Princes* (*Narendra Mandal*), 17 March 1942, pp. 26–36.

[6] See Vol. I, Nos. 410, 498 and 527. [7] See Vol. V, No. 617.

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fine drawn lines of communal conflict. Sir R. Mudaliar seemed to be in general agreement with Sir V. T. Krishnamachari. He prophesied that something very close indeed to the general scheme of the Government of India Act would be the constitution on which Indians would eventually agree, and he thought that a Federation brought into being by H.M.G. would provide the best forum for discussing and agreeing upon the constitutional changes necessary to make the Federal plan as enacted by Parliament a plan acceptable to all parties in India. Sir Conrad Corfield, the Political Adviser to the Crown Representative, participated in informal talks with Sir V. T. Krishnamachari here and was in full agreement with his views as regards the probable attitude of the larger States. They agreed that the views of some ten big States (including Hyderabad, Mysore, Baroda, Travancore, Gwalior, Kashmir, Patiala, Bikaner) with populations of one to several millions, were what mattered, rather than those of the medium sized and smaller States which would in the long run follow their lead. This being so, any plan to revive the Federal offer, which Lord Linlithgow withdrew on the outbreak of war, would involve an amendment of the Act to cancel the requirement (in S.5(2)) that Federation could only be brought into being if a proportion of States representing half in importance and population acceded. They also held that accession should not be delayed by requiring an elaborate squaring of accounts with British India on all disputed financial issues. This would involve repeal of S.147. Broadly speaking it was believed with these changes and a clear indication that H.M.G. wished the States to federate it would be possible to secure the accession of most of the big States.

Federation and Pakistan

6. These talks occurred after the breakdown of the Simla Conference but before the prospect of early termination of hostilities had emerged. Thus the Federal solution was thought of as an alternative "interim" solution, providing an easier transition to constitution making since there would be assembled at the Centre in a Federal Assembly elected under the Government of India Act, Part II, representatives themselves elected by Provincial Assemblies as constituted after elections. Sir V. T. Krishnamachari, who has contacts with the Congress High Command, believed that Congress would now welcome the revival of the Federal plan by British initiative if the Federation so formed were declared to be a transitional constitution, possibly limited in duration to three or more years, designed to give time for Indians working together to evolve a more permanent constitution. As to the Moslem majority Provinces he took the view that they would be more ready to acquiesce in this interim measure if:—

(a) their legislatures, and those of all Provinces were afforded an option to remain outside the Federation like the States, subject only to the

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exterior supervision of the Governor-General of the Federation and H.M.G. over the Governor when acting in discretion;

(b) the Royal Instructions to the Governor-General were so amended as to make it clear that in choosing a Ministry he must ensure the adequate representation of minority parties and in the case of defeat of the Ministry must not require its resignation except on a two-thirds adverse majority.

7. In the light of the Viceroy's observations about the Punjab the conditions posited by Sir V. T. Krishnamachari hardly seem sufficient in themselves to break the core of the Moslem League opposition to acceptance of any constitutional arrangement at the Centre which linked Moslems as a minority to a Hindu majority. There is, however, another suggestion, advanced here by Mr. Shiva Rao, which might be worthy of examination. The Indian States in acceding to Federation were not required to accept all the items of the Federal list of subjects (Schedule 7, list 1). (The proposed terms of their accession are shown in the attached booklet.[8]) Would it not be possible to allow the Provinces a similar choice of subjects and so to give the Moslem majority Provinces the opportunity to federate only for those items which would constitute what Sir R. Coupland describes (Vol. III, Chapter XI) as an "Agency Centre"? The items in question would include Defence, External Affairs and Customs. Other existing central subjects could be transferred to the concurrent list (Schedule 7, list III). On this basis it would perhaps not be necessary to offer the Provinces an option [? not] to federate, but their federation could be brought about by resolution of Parliament, as envisaged in S.5 of the Government of India Act, after previous agreement with their Governments on the items which were to be Federal or Concurrent in the case of each Province.

8. The above plan would need careful scrutiny from the point of view of amendment of the existing Government of India Act; but it does seem to form a possible means of transition, subject to general acceptance by the leaders of the Indian communities, towards the full effect of the Declaration of 1942. It would however need careful stage management, and in particular would be immensely strengthened if it were initiated from the side of the Princes. They might well see the political advantage of seizing the present opportunity to take the initiative in promoting constitutional advance for India as a whole. Some at least among them must be well aware of the danger of being dragged at the tail of British India in this direction. Possibly from this aspect and that of facilitating Moslem acceptance of responsible government at the Centre the plan is worth mentioning in discussions with the Viceroy.

[8] This booklet is not on L/P&J/8/531.

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Mr Jinnah to Field Marshal Viscount Wavell

Telegram, L/P&S/13/1265: f 74

22 August 1945
Received: 23 August

Situation Kashmir from all accounts pouring in from reliable sources even non-Muslim source very grave. Your immediate intervention requested. Your letter 20th Dec. 1943[1] that new Prime Minister should be allowed proper interval study local situation and devise administrative measures being reasonable I refrained from pressing matter further for immediate action encouraged by your assurance that Kashmir affairs will continue receive your very careful attention. Your letter referred above also helped allay feelings. Prime Minister B. N. Rao intrigued out like his predecessor Maharajsingh. Pandit ring headed by new Prime Minister Kak determined crush Muslims. I therefore appeal to you as Representative Crown and Paramount Power please intervene at once. Strong Muslim Prime Minister with authority or failing that Britisher essential. I cannot believe Maharaja ignorant all this. Hope you will take immediate action as from all accounts Raj of Goondaism prevails and very grave situation has arisen there.

[1] Not on L/P&S/13/1265.

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Minuting and Noting by the India Office on Mr Shiva Rao's Note[1]

L/P&J/10/20: ff 146–52, 154

22–27 August 1945

Mr Turnbull to Lord Pethick-Lawrence

S/S. Mr Shiva Rao is in close touch with Rajagopalachari & this note probably reflects the latter's views. It is not very definite or constructive on the main difficulties. The plan is:

(a) hold elections.
(b) restore provincial governments before elections—(no advice as to how to produce this result).
(c) declare that India is, at once, to have all the attributes of a dominion.
(d) Reconstitute the Executive Council on Simla lines without the Moslem League, if necessary, pending elections & a Constituent Assembly.

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(e) Set up a body chosen by the new Council to frame a long term solution for submission to a Constituent body, bringing in Provincial Premiers.

F. F. T.
22/8

Mr Turnbull to Mr Gibson and Mr Patrick

Mr Gibson
Mr Patrick
Mr S. Rao sent this to S/S & Sir S. Cripps.

The latter sent it to other Members of the I. Committee informally.

S/S feels that it contains interesting suggestions & may decide to show it to the Viceroy & discuss it with him.

If the office have any comments please put up soon. I have given copies to Sir D. T. M. & to Mr Cleary.

F. F. T.
25/8

Minute by Mr Gibson

A similar reference (below) has come from Mr Cleary & I attach a note. I do not see anything particularly helpful in the writer's suggestions.

J. P. G.
26/8

Note by Mr Gibson

Mr Shiva Rao's plea is that H.M.G. should take resolute steps to enhance India's political status and in doing so should favour the democratic and socially progressive elements in the country—by which he seems to mean that H.M.G. should satisfy the Congress demands and ignore the Moslem League if they will not co-operate. This of course is a very fundamental issue. He is also, like Congress, opposed to the autocracy of the Indian Princes.

As regards *the Provinces*, he argues (paras. 2–4) for the immediate termination of the Section 93 regime (which is at present in operation in 7 out of the 11 Provinces). It is worth pointing out that the Governor cannot of his own motion restore the normal constitutional machinery. Bengal is a special case; but elsewhere the S.93 administration is the consequence of the withdrawal of the Congress ministries in 1939 and can be ended only if Congress revises its policy and decides to co-operate. The writer's particular argument is inadequate; except in Bengal (which is now revising its electoral rolls) the revision of the electoral rolls has been kept up-to-date in the Provinces whether they are under a ministerial Govt. or not; the machinery continues to be that which was in operation when all Provinces had ministerial Government

[1] Enclosure to No. 46.

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and it is idle to suggest that in a S.93 Province the officials do not administer the rules fairly. (One would expect unfairness to be more, not less, prevalent in India under a party Govt.!)

With regard to para. 4 in particular, the position of the "detenus" is under active examination, and the remaining restrictions against Congress organisations are in process of being withdrawn.

As regards *the Centre* (paras. 5, 11–13) Mr Shiva Rao urges the replacement of the present Executive Council by a body of well-known and representative leaders. But this is precisely what the Viceroy endeavoured to do in the Simla Conference. Would the Council be adequately representative if it did not include representatives of the Moslem League? It is no doubt true that, if it could be formed, a Council adequately representative of the political forces in India would be more satisfactory than the present Council for dealing with the problems of post war reconstruction and the preparations for the drawing up of the new Constitution; but it must be *adequately* representative. If such a Council were formed the minor suggestions in para. 19 would come in for consideration—but they are matters which can be carried out by executive action and are not affected by the transitional provisions of the Govt. of India Act.

As for *action in London* (paras. 6–7), the question of the immediate abolition of the India Office has been settled by the Prime Minister's recent statement.[2] It is presumably the intention to go ahead with the appointment of a High Commissioner for the U.K. in India; the transference of "External Affairs" from the Viceroy's portfolio was however an integral part of the "Wavell proposals" and there seems no urgent need to proceed with it separately. As regards para. 7, it is foolish to suggest that "Dominion Status" can be conferred on India by a stroke of the pen; it is not the name, but the possession of full powers of self-government, that will satisfy the Indians' aspirations.

The programme outlined in paras. 11 & 15 in connexion with the setting up of the Constituent Assembly is reasonable.

Paras. 16 ff raise very contentious issues in regard to the Indian States. The proposed inclusion in the Governor General's Council of an ex-Minister of an Indian State is commendable; and the suggestion in para. 18 only represents the customary practice in the past in the composition of the Indian delegation to the Assemblies of the League of Nations. The problem of the absorption of small States in larger States or in Provinces has received a great deal of thought in recent years; it is anything but easy, and a practical attempt to solve it in one area (Western India) is having a rough passage. To say that the Political Department is "out of touch with the main currents of Indian life" ignores all the work that has been done in recent years to advise and assist States to bring their administrative methods up-to-date and to afford States subjects opportunity to make their views known to their Rulers through representative institutions.

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To attempt to impose democracy on the States would be contrary to the century-old relationship between the Crown & the Princes, based on treaty rights and usage. Undoubtedly however there is need for improved machinery for co-operation between British India and the States in economic matters, conditions of Labour &c, and the willing association of the Princes with political advance in British India is essential for the benefit of India as a whole.

J. P. G.
25/8

Minute by Mr Patrick

Mr. Rao anticipates a not inconsiderable interval between the declaration of the results of elections and the possibility of creating a new Government of self-governing India formed on the results of the deliberations of a constitution making body. He is concerned to devise means, in accord with what he believes to be the more liberal outlook of His Majesty's Government towards India, for conducting the government in this interim period.

His main proposals are the following:—

(a) reconstitution of the Central Executive on a political basis more akin to the swing to the left in British politics; and reconstitution of ministries in Section 93 Provinces before the elections are held;

(b) reciprocal gestures by His Majesty's Government to the new regime by endeavouring to treat India as though it were a Dominion; by abolishing the India Office, creating an External Affairs Member and diplomatic representation abroad for India; by endeavouring to enhance India's status in international gatherings and by appointing a United Kingdom High Commissioner;

(c) the adoption of a more menacing tone towards the Rulers of Indian States so as to disabuse them of the idea that they can survive in splendid isolation; at the same time the point of view of the States to be represented in the Executive Council and the Executive Council to be brought into discussion on paramountcy issues.

Proposal (*a*), proceeds on the basis that Lord Wavell's plan had succeeded and there was general backing for an interim Executive more representative of the main parties. It is however very questionable whether democratic ideals would be served by installing a nominated Council of the description favoured by Mr. Rao in advance of the result of the elections being known. If any change in the composition of the Council before the elections is desirable, it would seem better to base it as far as possible on Provincial representation (in so far as the main Parties acquiesce in the inclusion of their adherents). But after the elections it would seem a good deal easier to achieve this result than now. It is in

[2] See No. 73, para. 1.

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any case doubtful if the main political parties in fact stand for the left-ward swing advocated by Mr. Rao. Their machinery is very far from democratic.

Proposal (*b*).

Devices to make it appear that India has already surmounted its constitutional growing pains and is already qualified to be a Dominion are rather transparent and may not have quite the attraction to political India suggested by Mr. Rao. I should have thought that the application of these devices must await the possibility of creating after the elections a more truly representative Executive. But there might be no harm in anticipating this by transfer of the portfolio of External Affairs and appointment of Ministers to enhance India's international status.

Proposal (*c*).

This seems to have little moral justification. The States were offered Federation and the offer was called off by the war. Mr. Rao when he saw me favoured renewal of that offer as a transitional arrangement to tide over the interim period. It would be best of all if its renewal were sought by the States themselves. The adoption of a bullying tone towards Rulers seldom gets us anywhere. If the States acquired power at the Centre they would bring experience of government at least equal to that contributed by most British Indian politicians and would greatly enhance the reality of India's unity.

P. J. P.
27.viii

Minute by Sir D. Monteath

Though there are some sound enough suggestions in it on particular points I am afraid that I do not rate Mr Rao's note as a very valuable contribution. It is wholly *ex parte* &, relying on the supposition that he may count on a Labour Govt.'s support, tends to ride rough-shod over any points of difficulty —not being prepared to recognise that what seems to him to be obstructionism may, to the other party, be something vital. (To take a minor example from para. 16 it is a travesty of the Small Rulers' position to assume that, if the price is high enough, they can all be bought out.)

I am inclined to think that it will not be possible to *do* anything till the completion of the elections in March next shows how the political forces in India stand. It will be very difficult—especially in the atmosphere of speculation excited by the Viceroy's summons home—to hold that position for so long, & to refrain from making some statement as to what is to be done after the elections. But it will be no less difficult to decide on the right thing to say—& do—before the elections are over. In particular it would seem difficult to re-constitute the Central Executive on any overtly political basis till then—tho' no doubt some individual changes could profitably be made & the "replacements"

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be selected on the score of their political backing—if such are willing to be selected till they know where they stand.

I should agree that it is most desirable, if any long-term arrangement is ever to be devised, to bring "the States" point of view in betimes: but they are an element that cannot be driven. They have already been warned more than once that they must move with the times; but a rationalised process of doing so is difficult to evolve & as W. India shows no less difficult to enforce rapidly.

I am rather suprised that Mr Rao sets so much store—equal, apparently, with that set on more important features—on the "trappings" of self-government: other Indian journalists have shown a greater sense of values: & of course he is quite wrong in suggesting that Ministries can be restored in S.93 Provinces by the *ipse dixit* of the Governor.

I have not attempted to comment on Mr Rao's note in any detail: for detailed criticism I agree in the points made by Mr Gibson.

D. T. M.
27.viii

Minute by Lord Pethick-Lawrence

I h[ave] now read this several times. Wavell might like to see Rao's memo. It will o[f] course be put in my box for the Cabinet Committee this afternoon.[3]

[3] Lord Pethick-Lawrence's minute is undated but the meeting of the India and Burma Committee referred to is possibly that of 29 August; see No. 78.

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Sir F. Mudie to Sir E. Jenkins

Wavell Papers. Official Correspondence: India, January–December 1945, pp 273–5

TOP SECRET HOME DEPARTMENT, NEW DELHI, *23 August 1945*

My dear Jenkins,

I have not so far answered your Top Secret letter No. 1157,[1] dated 11th August 1945, about the Japanese "surrender list" and Bose as I wanted to look up the papers regarding the "surrender list". I am, however, now enclosing a note on the treatment of Bose, in response to His Excellency's request for notes on any subjects that Departments might wish him to discuss in London. Whatever decision is taken in Bose's case must have the full backing of His Majesty's Government.

2. The note has been prepared after discussion with Smith and Tottenham. Smith is more afraid of the agitation that his trial in this country will cause than

[1] No. 15.

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either Tottenham or I and attaches less importance to the objections to trial outside India than we do. Otherwise we are agreed.

3. I have examined your suggestion that Bose be treated as a "war criminal". He clearly is not one in the ordinary sense of that word. Nor does he appear to come within the extended definition which has now been adopted by the United Nations. In this connection I would refer you to the air mail edition of the *Times* of August 9th.

Yours sincerely,
R. F. MUDIE

Enclosure to No. 57

TOP SECRET

HOME DEPARTMENT

One of the most difficult questions that will confront Home Department in the near future is the treatment of Subhas Chandra Bose.

2. The difficulty of the problem is due to Bose's peculiar position as explained below:—

(*a*) *Bose's influence over the I.N.A.* is very considerable. It extends to the great bulk of the 12,000 I.N.A., both soldiers and civilians, already in our hands and probably to an even higher percentage of the estimated 15,000 still to be recovered. It affects all races, castes and communities almost equally strongly. They regard him with deep admiration, respect and confidence as a sincere patriot, as an able leader without peer among the overseas Indian community, as the organiser of India's first "National Army", as the protector of his countrymen under Japanese occupation, and as one who successfully dealt with the Japanese and was accorded by them greater respect and power than most other leaders in the same position. All this is in addition to his already great prestige as an Indian nationalist figure in his own country.

(*b*) *Bose's influence over Bengal politics.*—Bose is prominent in the Bengal political field and, in Bengali estimation, probably ranks little, if anything, below Gandhi as an all-India figure. As founder and leader of the Forward Bloc he possessed very considerable potential power for harm. To the youth of Bengal and to terrorists, in particular, he is, and has long been, a source of inspiration. His influence in this respect will in no sense be diminished by his recent exploits as Head of the Provincial [? Provisional] Government of Free India and Commander-in-Chief of the I.N.A.

3. As regards the treatment of Bose, there are the following possibilities:—

(*a*) bring him back to India and try him either for waging war or under the Enemy Agents' Ordinance;

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(*b*) have him tried by a Court in Burma or Malaya for waging war against the King in that country;
(*c*) have him tried by a military court outside India;
(*d*) intern him in India;
(*e*) intern him in some other British possession, e.g. Seychelles Islands;
(*f*) leave him where he is and don't ask for his surrender.

4. I do not think that there is any chance of Bose being hanged if he were tried in India. The pressure for his release would be too great; also his trial would result in great publicity for his doings, motives, etc. On the other hand, trial in India would be the straightforward course and the trial as such could not be criticised. If it is accepted that execution would, in the end, be impossible then reprieve immediately after conviction, to forestall agitation, would be the best course.

5. It is extremely unlikely that the Government of Burma, which is engaged in appeasing the Burma National Army, would agree to try Bose and even more unlikely that, if they did, they would hang him. The Government of Malaya might possibly have no such scruples, and we might get a hanging if His Majesty's Government agreed to ignore agitation in India and Parliament however strong. But a trial in Singapore would cause almost as much agitation in this country as a trial here, unless it were held *in camera* and no news released till after his execution. But in that case we would be accused of judicial murder. It would be said—and truly said—that we had kept the proceedings secret to prevent his friends and supporters from doing all they could to save his life. Also, what reason could be given for trying Bose outside India when the leaders of the I.N.A. are to be tried openly in India? The long-term political consequences of this course might be very serious.

6. Trial and execution by a military court outside India would be open to similar objections but to a less degree, as the trial would presumably be less prolonged and military punishments are expected to be more severe than civil ones. Again, trial by a military court would suggest that his crime was killing our soldiers, whereas trial by a civil court at once raises the independence issue. On the other hand, this would be an obvious subterfuge and it is unlikely that the military would lend themselves to it.

7. Interning Bose in India would lead only to an agitation to let him out and to his release after a short time. He might then escape to Russia, as he did in 1940 (*see* paragraph 9 below). There would also be the usual agitation for a trial and we would incur the odium of detention without trial.

8. There is more to be said for detention and internment somewhere out of India. Out of sight would be to some extent out of mind and agitation for his release might be less. Also, escape to Russia would be difficult.

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9. In many ways the easiest course would be to leave him where he is and not ask for his release. He might, of course, in certain circumstances be welcomed by the Russians. This course would raise fewest immediate political difficulties, but the security authorities consider that in certain circumstances his presence in Russia would be so dangerous as to rule it out altogether.

10. The choice seems to be between deporting and interning Bose outside India or trying him in India and commuting the death sentence. The two might be combined and Bose deported (or "transported") after conviction. There would be considerable long-term advantages in a trial, but reprieve might raise the question of why military officers who joined Bose's Army should be hanged. The answer would be that their position in the Army greatly aggravated their offence, but this might not be accepted by the Army.

R. F. MUDIE,—23-8-45.
Home Member

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Mr Rajagopalachari to Sir E. Jenkins

R/3/1/106: ff 134–5a

48 BAZALULLAH ROAD, THYAGARAYANAGAR, MADRAS,
23 August 1945

Dear Sir Evan,
I am glad H.E. is again going to see what can be done for us.

May I request you to place before him the enclosed note? I am very anxious and so perhaps overdoing it, but it cannot do any harm if he knows how I feel.

Yours sincerely,
C. RAJAGOPALACHARI

Enclosure to No. 58

23 August 1945

I welcome the announcements as to fresh elections and the consultations with Lord Wavell once again. Anything is preferable to the stagnation in which we are now caught. But frankly I do not like the very leisurely programme announced by one of the provincial governments (Madras) in this connection, which would take us late into 1946.[1] This would furnish an excuse for continuing Sec. 93 rule in the provinces for another twelve months. We have the right to ask why so much time is wanted in India for holding elections when at the end of the European war the British elections could be completed and revolutionary change effected within so short a time as we have seen. There is

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no good postponing provincial elections to distant dates for ideal perfection of electoral lists which at the end of it all will still be very imperfect in fact.

Now that negotiations have failed to produce an agreed solution leading to team work at the Centre, there is no justification for imposing an essentially unjust parity formula of communal classifications. It is best to seek some other basis for the formation of an interim Central Government. A territorial basis is the obvious alternative. A representative Government of India, to function until the plans for the new constitution are completed and put in force, could be constituted in one of two ways. It could be formed round a core of representatives of the eleven provincial governments with a few more members co-opted for representation of special minority interests. Or the Central Assembly could be elected according to Part II of the Act of 1935, that is, by indirect election, on proportional representation basis from the provincial assemblies and a composite interim government could be formed composed of persons who command the confidence of the several groups in the Central Legislature so elected and who could work together in a team. In either case the early completion of provincial elections would facilitate the solution of the problem of the Centre for the interim period. To programme for provincial elections so as to take us to the middle of 1946 and to reconstitute the Central Assembly again on the Montagu–Chelmsford basis with thirty-eight nominated members and eight European members in a House of 142, is most unsatisfactory. For an interim legislature why should we hark back to 1919 ignoring the constitution framed after great deliberation in 1935 and approved by Parliament and assented to by the King?

As for the permanent constitution I would reiterate what I have already said, viz., that we would only be strengthening the forces of intransigence by following the Cripps time-table. The elected representatives of each province should first decide whether that province will join the Union or not and only those that decide to form part of the Federal Union should form a constitution-making body and frame their federal constitution. This procedure will substitute a sense of reality for the unreal and controversial atmosphere now poisoning all good sense. There will then be a definite inducement to say yes rather than no. If any province says no, it will say so prepared for the practical consequences and not merely to stop other people's progress and in the hope that somehow things will straighten out to its own advantage. Once a federal union is started it will be open to States and hesitating provinces to accede on any later occasion. This is the only course that will end controversy without prejudicing anyone and which will speed up the establishment of settled India.

C. R.

[1] Mr Abell minuted here: 'Madras have already been asked to speed up the programme.'

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/8/524: f 173

IMMEDIATE NEW DELHI, *23 August 1945*
PRIVATE

No. 1378–S. Superintendent Series. Your private telegram No. 459[1] August 21st has been discussed by Home Member, Political Adviser, Reforms Commissioner and my Private Secretary. They advise (*a*) that draft declaration is less likely to be accepted now than it was in 1942, and (*b*) that Pakistan idea must be dealt with by itself as the major obstacle to a settlement before other matters are discussed. They do not think that an announcement of any consequence can be made until the elections are over, nor do they think that after the elections a "political" Executive Council should be formed under present constitution unless conditions are unexpectedly favourable. After the election an enquiry should be made by an individual of acknowledged eminence e.g. the present Master of Rolls, into Pakistan issue on wide terms of reference which should not repeat not mention Pakistan but should cover the treatment of minorities in constitutional planning. As soon as this enquiry is complete an attempt should be made to establish a transitional federation by making the minimum amendments in 1935 Act. The task of framing permanent constitution should then be placed upon the new transitional Government.

2. My Advisers realised that these suggestions which are put forward at very short notice lead up to no easy solution and may involve most elaborate Parliamentary legislation. But they are convinced that until Pakistan issue has been dealt with no comprehensive offer by H.M.G. would have any chance of acceptance. I agree with their conclusions.

[1] No. 50.

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Secretary of State to Government of India, War Department

Telegram, L/WS/1/1577: f 168

MOST IMMEDIATE INDIA OFFICE, *23 August 1945, 12.55 am*

18605. Your telegram dated 21st August No. 10494.[1] Policy regarding I.N.A. and 950 Regiment.

I fully appreciate the practical difficulties to which you refer in para. 1 and sympathise with your reluctance and that of Provincial Governors to let loose

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in India any larger number of "blacks". Nevertheless I regret I cannot agree to the indefinite detention under Ordinance without any prospect of a trial of the men in question. I would, however, be prepared to agree to their remaining in custody for a period while their cases were being further investigated with a view to the possibility of trial by court-martial, and since they would remain soldiers this would mean in *military* custody.

I am therefore prepared to authorise the issue of the communiqué given in para. 6 of your telegram of 11th August[2] (amended as agreed in para. sixth [6] of your 10494) subject to the omission of the sentence "These men will be dismissed from the Army, and kept in detention until they can be safely released". This omission leaves the question at issue between us open for further consideration and I will discuss matter personally with Viceroy, who should therefore see this telegram.[3]

[1] No. 48. [2] No. 17.

[3] In tel. 10691 of 27 August, the G. of I., War Dept. informed Lord Wavell that Council had agreed that day to the proposed policy on the treatment of members of the Indian Army who joined the enemy. The text of the amended Press communiqué had been released. L/PO/10/25.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/PO/10/25

IMMEDIATE INDIA OFFICE, *23 August 1945*

SECRET

No. 18733. Your telegram of August 6th, No. 1254-S[1] paragraph 6. Forward Bloc. My colleagues have asked for latest information about its record. Latest information available here is based on material supplied from India up to March 1945. Please telegraph any further information available bearing on Governors' recommendation that Forward Bloc should be excepted from proposed removal of bans. Is there any evidence such as contact between Forward Bloc and enemy or with treasonable elements abroad distinguishing this body from other proscribed organisations?

[1] No. 5.

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Lord Pethick-Lawrence to Mr Attlee

L/P&J/10/20: f 174

INDIA OFFICE, *23 August 1945*

Secretary of State's Minute: Serial No. 6/45

Prime Minister

The Viceroy is leaving India on Saturday morning and the present expected time of his arrival is late on Sunday evening. He might, however, well be delayed till Monday.

I should like to have 2 days at the outset for personal conversations with the Viceroy, in which I should hope to elicit more than I at present know of his attitude towards the ideas which we have in view. I think it would also be a good thing if you would see him before he meets the India Committee. I suggest, therefore, that we might aim at having the first meeting of the Committee with the Viceroy on Wednesday, preferably in the afternoon.

I should be glad if you would let me know if this programme would have your approval.[1] If so, I will ask the Secretary of the Committee to make arrangements accordingly.

P–L.

[1] On 24 August, Mr Attlee minuted 'Yes'. L/P&J/10/20: f 167.

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Mr Turnbull to Lord Pethick-Lawrence

L/P&J/10/20: ff 168–73

INDIA OFFICE, *23 June* [*August*] *1945*

S/S.

This is the note I spoke about. The idea is to find a *via media*. The proposal at the end might be fused with the Viceroy's suggestion[1] that Lord Greene should go out. He might either be Chairman of the Conference or charged with trying to find common ground which could be put to a Constituent body later, & given a free hand to negotiate with individuals or summon them into Conference. You should also see Ambedkar's long memo[2] flagged.

F. F. T.

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Enclosure to No. 63

DRAFT MEMORANDUM

THE VICEROY'S VISIT

We have invited the Viceroy to come to this country to discuss the Constitutional problem. The intention is to put to him the proposition that an announcement should be made in the immediate future that on the completion of the provincial elections a constituent body, as proposed in the draft Declaration of 1942, should be convened.

2. Before the Viceroy arrives I think that it may be useful for my colleagues to have an analysis of the points likely to arise in discussion with him.

3. The Offer of 1942 was made in the form of an offer which would be implemented by H.M.G. provided the proposals in it were "assured of a reasonable and practical measure of acceptance".[3] The object of Sir Stafford Cripps' mission was to ascertain if such acceptance was forthcoming. The statements by the late Prime Minister and other Ministers of the Coalition Government made subsequent to the failure of the Mission, that H.M.G. stood by the broad principles of the 1942 draft Declaration, and that the offer of 1942 remained open, have never done away with this proviso that a reasonable and practical measure of agreement in India must first be forthcoming. It is this proviso which preserved the offer of 1942 from being regarded by the minorities as a breach of undertakings given by successive Governments to the Minority elements in India. The Statement of August 8th, 1940, for example, stated that: 'It goes without saying that H.M.G. could not contemplate transfer of their present responsibilities for the peace and welfare of India to any system of Government whose authority is directly denied by large and powerful elements in India's national life, nor could they be parties to the coercion of such elements into submission to such a Government." The Muslim League specifically recognised in their resolution of April 11th, 1942, on the proposals made by H.M.G., that the tentative character of the offer maintained this undertaking.[4] The Viceroy is likely to urge that these assurances are regarded as

[1] See Nos. 53 and 59. [2] Not on L/P&J/10/20. The reference may be to Vol. V, No. 483.

[3] [Note in original:] Mr. Churchill's statement announcing the Mission of Sir S. Cripps in the House of Commons, 11th March 1942 (Cmd. 6350, p. 3). [See Vol. I, No. 308.]

[4] [Note in original:] Extract from Resolution of the All-India Muslim League Working Committee issued on 11th April 1942.

The Committee appreciate that the British Prime Minister in his pronouncement made it clear that the draft Declaration embodied only the proposals of His Majesty's Government and not their decision, and that they are subject to agreement between the main elements in India; thus maintaining the validity of the Declaration of August 8th 1940, which had promised to the Moslems that neither the machinery for the framing of the Constitution should be set up, nor the Constitution itself should be enforced, without the approval and consent of Moslem India.

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binding upon the Government of this country by the Moslems, and also by the Depressed Classes and Sikhs.

4. What we are now proposing is that we should proceed to implement the long-term proposals in the draft Declaration without further steps to assure ourselves that a reasonable measure of acceptance for this procedure is forthcoming. The crucial feature of our proposal lies in the fact that the constituent body will be in a position, in the absence of other provision, to decide the future constitution for an Indian Union by majority vote. Apart from their bargaining power in the constituent body the only protection for minorities against coercion will be, for Moslems, the right of individual provinces to stand out of the Indian Union, and for the Sikhs, Depressed Classes and other minorities, such protection as can be derived from the Treaty between the Constituent Body and H.M.G. The Viceroy is likely I think to urge that although the latter may formally discharge our obligation, it is unlikely to be of much real value to the minorities.

5. As regards treaty protection for racial and religious minorities, I think that my colleagues should be aware that the Depressed Classes, ably led by Dr. Ambedkar both at the time of the Cripps Mission and ever since, have protested most vigorously against the proposal that their rights as a minority should be given protection by treaty between H.M.G. and the constitution-making body. Their arguments are powerful ones and include the contention that such provisions in a treaty could not be enforced by H.M.G. if in fact India had been given the status which it is the intention of the proposals to give. Moreover, the treaty itself would be between H.M.G. and the constitution-making body, which would subsequently dissolve, and its provisions would sit very lightly on a future Government of India. It seems to me very much open to question whether we ought not to require that the constitution-making body should itself include in the constitution adequate safeguards for the personal rights of all members of the population including the Scheduled Castes, which would give them resort to the courts in defence of their own rights.

6. A further point which the Viceroy is likely to raise, therefore, is whether the announcement we have in mind should be made, at any rate until the elections have shown the relative strengths of the parties. The main point, of course, is the extent and solidity of the Muslim League's influence in Muslim India. There is no means of assessing this except the forthcoming elections, but all my information is that it will prove to be substantial. The President of the Board of Trade says that his information is that the League is losing ground since the Simla Conference, but I notice that it is reported that the Deputy leader of Congress in the Legislative Assembly, who is a Moslem, has resigned from Congress and joined the League because he supports Mr. Jinnah's attitude

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at Simla. The result of the elections will be the only certain test of the extent of the Muslim League's power. It is, therefore, worth considering whether to announce before the results are known that a constituent body will be set up from the legislatures that they produce will not strengthen the Muslim League's position at the polls and thus make more probable a refusal by Moslems to attend a constituent body or a deadlock within it when it meets. With this is linked the question already raised by the Viceroy whether an election on this basis in present circumstances will not have a serious effect on the law and order situation in India, particularly in the Punjab, and involve risks of disturbance and trouble which the Viceroy at any rate will be very reluctant to face and which may involve H.M.G. in strong measures of repression which we should all be glad in ordinary circumstances to avoid.

7. I recognise the arguments on tactical grounds for the view that it would be preferable to implement the 1942 Declaration so far as possible as it stands rather than to make any substantial modifications of it. None the less, I do not think we should close our minds, prior to the discussion with Lord Wavell, to the possibility of modifications. I should also like the Committee to consider the following variant of the plan we have been considering, which would not commit us publicly now to holding a Constituent Assembly as an automatic outcome of the elections, but at the same time would in my view sufficiently disarm for the time being criticism in India and in foreign circles.

8. It was contemplated in the draft declaration of 1942 that if before the end of hostilities, the leaders of Indian opinion should agree on an alternative form of constituent body it could be substituted for that suggested by H.M.G. Circumstances since 1942, including the holding and failure of the Simla Conference and the unexpected end of the Japanese war, have given to the Indian leaders no serious opportunity of devising any agreed alternative. I should therefore like to suggest that we should consider with the Viceroy the possibility that after taking any preliminary private soundings which he thinks desirable he should convene another Conference with personnel similar to that at the Simla Conference, but with representatives of the Indian States added, to consider possible long-term solutions of the Indian problem, and to work out a scheme or schemes likely to be acceptable to a Constituent body. It would also provide an opportunity to the Indian leaders to make alternative recommendations as to the character of the constituent body itself. If this Conference were able to work towards a solution, or to define the issues for decision, we should be in a better position to judge, in the light of its outcome and in the light of the results of the elections, whether a constituent assembly on the basis of the 1942 Declaration could be summoned with any hope of success or without risk of serious trouble, or what modifications of that procedure would be likely to make its result authoritative. It may be argued that there is little likelihood of

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progress being made, but I am disposed to think that there is more chance of progress being furthered at this stage by discussion among leaders than by imposing a procedure for arbitrating the differences which exist by majority vote of a body chosen as a direct outcome of the elections. What we need is a course which will have some chance of softening the asperities and differences rather than casting them into permanent shape in the crudest electioneering terms.

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Sir A. Clow (Assam) to Sir J. Colville

Wavell Papers. Political Series, July–September 1945, pp 62–4

SECRET GOVERNMENT HOUSE, SHILLONG, *23 August 1945*

Dear Sir John,

I enclose a short note written for Lord Wavell expanding a point raised at the Governors' Conference. I don't know how long he will be at home, but if you think it worth while (and worth sending!) you might care to forward it. I am sending a copy to Glancy with whom I discussed the question in Delhi: his views on this issue coincide, I think, closely with mine.

With all good wishes to Your Excellency for the second term.

Yours sincerely,

A. G. CLOW

Enclosure to No. 64

PAKISTAN

Pakistan started as little more than an undergraduate squib: it has gained momentum until it is the professed policy of the organised Muslim community. It gained ground mainly as a result of Congress rule in the majority of provinces in 1937–39. At that time representative Muslims were willing to enter coalition ministries; but the Congress, mainly under Nehru's inspiration, refused to admit Muslim Leaguers to their Cabinets and aggravated the offence by including Muslim "stooges" who had as a rule, no standing and no qualifications except their adherence to the Congress. Their presence did not modify the character or outlook of the Cabinets which was essentially that of the Caste Hindus. There was nothing approaching "atrocities" as alleged by the Muslim League; but in many ways the Muslims were made to feel not merely a minority, but an impotent and unrepresented minority in the Congress provinces. It is noteworthy that the demand for Pakistan has always been strongest in the Muslim-minority provinces and not in those which would form Pakistan. Although propaganda with a religious flavour has compelled Muslims in other

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Provinces to fall into line in demanding Pakistan, many (perhaps most) of them have always been very lukewarm adherents.

2. But it is difficult to resist the impression that we have to some extent contributed to make Pakistan a live issue. It is true, I think, that two Secretaries of State have described it as a counsel of despair and the Viceroy has referred to it in terms suggesting amputation and given other pointers against it. But it was recognised in the Cripps offer in a manner which seemed to some to be designed more with a view to establishing British *bona fides* than with close regard to realities in India. What has been more serious is that little or nothing has been done to bring the public, and the Muslims in particular, up against the practical difficulties it would create.

3. Even Jinnah found it possible to gain support for Pakistan only by consistent vagueness in his definition. For long he refused to define it at all, either constitutionally or territorially. But he was gradually forced to make it clear that it involved the complete division of India, and after the conversations with Gandhi he came out more clearly and said that the idea was "to divide India into the two sovereign parts of Pakistan and Hindustan by the recognition of the whole of the North-West Frontier Province, Baluchistan, Sind, Punjab, Bengal and Assam as sovereign Muslim territories as they now stand". (Published interview on 6th October 1944.)

4. This, of course, represents a radical change of the original idea of Pakistan. For the conception was based on the separation of areas where Muslims are really predominant and where the State, originally conceived as confined to North-West India, would by reason of its large predominance of Muslims be a genuinely Muslim State, partaking of the theocratic character which is an essential element in Islamic political science. Now, although the words "sovereign Muslim territories" remain, large areas are to be included which, far from being predominantly Muslim, are predominantly non-Muslim. Assam, for example, is only one-third Muslim; and if the Surma Valley, which is geographically, ethnologically and linguistically part of East Bengal, were cut off, it would be only one-fifth Muslim.

5. The modification has been made because it was realised that a Pakistan confined to the predominantly Muslim areas would not work. For it would then be reduced to the less fertile parts of North-West India and the swamps of East Bengal. These areas would be poor in resources, and they would have thrown on them an impossible problem in defence. The various other difficulties attendant on such a partition need not be dwelt upon; but it is worth remarking that the problem of Kashmir has been bypassed. It was an original part of Pakistan; but the Muslims were confronted with the difficulty that if they claimed it on the score of its Muslim population, the Hindus could claim

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Hyderabad. In Bengal, Calcutta could not be included and the Muslims who wield the bulk of power over India's richest province would find themselves relegated to its least attractive part.

6. But the endeavour to meet these difficulties by including large non-Muslim areas is not a mere modification of the idea of Pakistan: it is a transformation in which the whole conception and object are virtually lost. For no area in which the Muslims have only a small majority is likely to prove in practice a "sovereign Muslim territory". In Bengal and Assam, for example, the 53 per cent. Muslim majority would not rule. The Hindus with their wealth and greater political flair, should have little difficulty in detaching sufficient Muslims to prevent this, or even to vote for reunion. In the Punjab the experiment would probably lead to civil war. Further, if on the "two-nation theory" these areas are separated, how can the right to separation of over 30 millions of the non-Muslim nation in Bengal and Assam be denied, particularly as they are predominant in fairly well-defined areas?

7. It is fairly clear that not even Jinnah believes that a majority of the people in the areas concerned would vote for Pakistan initially. Hence his demand that only Muslims should vote. This preposterous proposal has as yet passed without comment from any one in His Majesty's Government, although it is a complete denial of the idea of self-determination, on which the proposal for Pakistan itself is based. But if a majority cannot be secured for Pakistan, what is the prospect of a majority being willing to remain in Pakistan? And if they are not willing, what is to happen? To none of these most elementary questions have the Muslim League leaders even suggested an answer. It may be that, in Bengal at any rate, some of them are trusting to the growth of fissiparous tendencies, represented at present by provincial feeling. But these would cease to grow among Hindus (if they have not ceased already) as soon as the Muslims showed any signs of asserting sovereignty. And if they do not assert sovereignty, we have no Pakistan; we have merely two (or three) religiously-divided countries instead of one.

8. If it were made clear that His Majesty's Government at least would never be a party to the separation of any substantial area of India against its will, India in general and the Muslim League in particular would be brought much closer to reality; and it is possible that, despite all the propaganda and the appeal to religious fanaticism, the Muslims would realise fairly quickly that Pakistan was not worth while and would be more ready to compromise on concessions at the Centre. As it is, a good many more of them have this in view than dare to avow it openly. Jinnah himself objected[1] to the idea of working on the present provincial boundaries, and Muslim Leaguers have been discussing the idea of manipulating boundaries, in Bengal and Assam at least, so as to secure a larger Muslim majority.

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9. In dwelling on the difficulties of Pakistan, nothing has been said on two important subjects. One is that of Pakistan's demerits. It is sufficient to affirm the conviction that, despite all the difficulties which religious divisions create, the unity of India, which had been one consistent aim, offers its best hope of real progress not merely to a big place among the nations, but to internal prosperity and welfare. Its division on religious lines, which would not be likely to stop at Pakistan, would spell reaction in thought and weakness in every sphere.

10. The second point with which this note does not attempt to deal in detail is the dynamic behind the demand for Pakistan, but that must be recognised. The Muslim demand, although formulated in terms of Pakistan, is in its essence a demand that they shall not be subjected to Hindu Raj. This demand will have to be met as far as possible. It may be necessary to go further than the Wavell plan went. For example, to begin with at least, some system whereby the Muslims in the Central Government have a veto, unless the Viceroy considers action essential, may be necessary. Any schemes for their protection are likely to get a better hearing from them and a greater chance of acceptance if it is made clear that Pakistan, in the form now demanded, cannot be countenanced by His Majesty's Government.

A. G. C.—22-8-45.

[1] [Note in original:] Reply to the Cripps offer (*vide* White Paper dealing with it). [This is presumably a reference to the Muslim League Working Committee's resolution of 11 April 1942; see Vol. I, No. 606.]

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Field Marshal Viscount Wavell to Maulana Azad

L/P&J/8/524: f 117

THE VICEROY'S HOUSE, NEW DELHI, *24 August 1945*

Dear Maulana Sahib,

I regret that my reply to your letter of 15th July[1] about the measures you recommend for the improvement of the political atmosphere has been delayed. I have now received your telegram of 21st August[2] containing your views on the decision to hold general elections to the Central and Provincial Legislatures in the near future.

2. I deal below with the points raised in paragraph 3 of your letter.

(*a*) *and* (*i*) The bans on the A.I.C.C. and all orthodox Congress organisations have been, or will immediately be, removed. This will leave in force only those

[1] Vol. V, No. 614. [2] See No. 52.

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imposed by the Central Government on the Forward Bloc, the removal of which is being considered by the Home Department as a result of the Japanese surrender; by the Governments of the United Provinces, the Punjab, and Bihar on the Congress Socialist Party; and by certain Provincial Governments on local organisations which are fostering disorder.

As soon as a ban on any organisation is removed—

(*i*) immovable property, of which possession only has been taken by the Government concerned, will be restored to its owners;

(*ii*) no legal process which has been completed in respect of movable property will be reversed and no money realised by the sale of such property will be returned; but any articles still in the possession of the Government concerned will be returned, provided that this decision will not extend to such movable property as it is illegal to possess, and that no responsibility will be accepted for any loss or any deterioration in the property returned;

(*iii*) orders forfeiting funds (including moneys, securities and credits) will not be upset, but funds frozen and not forfeited will be returned.

(*b*) *and* (*c*) The persons who have been detained without trial or on whose movements restrictions have been imposed have nearly all been in fact placed in preventive detention or have had their movements restricted because there were good grounds for believing that they were in communication with the enemy or that, judging from their past conduct, they were likely to engage in violent activities or terrorism. Now that Japan has surrendered their cases will be reviewed and some of them will no doubt be released as soon as the surrender is effective, simply because the activities it was necessary to prevent will then no longer be possible. But I fear there can be no question at present of indiscriminate releases. You will appreciate that some of the recent pronouncements by Congress leaders on the disturbances of 1942 are not reassuring to those responsible for maintaining law and order.

(*d*) I am not prepared to establish a special tribunal to examine the cases of all persons convicted for political offences. These persons have been properly tried and convicted by competent courts of justice.

(*e*) I am not aware of any restrictions on the freedom of the Press or on the movement or association of people which can be described as "extra-legal", and I am satisfied that in all Provinces unreasonable use is not being made of the legal powers that exist. These powers will not be used unfairly to hamper the activities of political parties during the elections.

(*f*) I have commuted to transportation for life the sentences of death passed in the Chimur-Ashti, Kulasekharapatnam, Fatwa and Jaunpur cases.

(*g*) I regret that I cannot pass a general order absolving absconders from

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liability to arrest. Many of these absconders have committed serious crimes.

(*h*) I will have the cases of all prisoners who have served more than 14 years examined.

In view of the surrender of Japan you will not, I think, expect me to comment on paragraph 5 of your letter.

3. In your telegram of 21st August you suggest that normal conditions must be restored before elections can be held. After nearly six years of war it seems to me impossible for India to return to normal for some little time. Both Governments and candidates have always in the past been strongly opposed to general elections except in the winter months, so that the postponement of elections now would have meant a delay of one year. With the removal of the bans on orthodox Congress organisations and the accelerated release of persons still in detention I do not think that the Congress Party will be under any serious handicap. It is my aim to restore normal conditions as soon as I can. The Congress Party could assist me materially in doing so if they would refrain from public approbation of acts of violence.

Yours sincerely,
WAVELL

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Lord Pethick-Lawrence to Sir J. Colville

L/P&J/7/6787: f 81

INDIA OFFICE, *24 August 1945*

My dear Colville,

I have been reading our recent papers about the problem of the backward tribes, including Amery's letter of 28th September 1944,[1] and Wavell's letter of December 3rd.[2] I think that the outcome of this correspondence is, briefly, that any solution which would involve transferring these people from the control of the Provincial Governments to that of an outside authority must be ruled out as impracticable; and the only alternative seems to be to devise some means whereby the Central Government can effectively supervise and advise the Provincial Governments in their handling of their aboriginal populations. As an expedient of the latter kind, I, like Wavell, find Elwin's suggestion for the appointment by the Central Government of an adviser on the backward tribes a very interesting one; and I should be glad to learn the results of the further examination of the proposal which was to be made at Wavell's instance.

[1] Vol. V, No. 25. [2] Vol. V, No. 128.

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2. Meanwhile, you will observe that at the end of his letter of September 28th Amery said that it might be possible to send some further ideas on this question when we had received certain reports of which we had asked for copies. These were Symington's report on the backward tribes in the Bombay Presidency[3] and the report of the Committee appointed in 1938 by the Orissa Congress Ministry to consider the problems of the aboriginal areas of that Province.[4] I am now sending you a copy of a further note by Hubback,[5] who has been studying these two documents, together with Grigson's report on the problem in the Central Provinces.[6]

3. You will see that Hubback suggests an expansion of Elwin's idea, recommending that the anthropologist adviser should not work alone, but as a member of a Board of three, his colleagues being an administrator and a missionary. This Board would, of course, be concerned mainly with the formulation of general lines of policy, which might be adapted to the varying habits and circumstances of the different tribes by small technical departments in the Provinces such as I see from paragraph 6 of Lewis's letter of July 21st[7] that the Government of India have been considering.

4. Within the very decided limitations of what we can do, Hubback's suggestion seems attractive, and I shall be interested to know what you and your advisers think of it. As regards the Articles of the United Nations Charter to which Hubback draws attention,[8] it might be possible to incorporate these, or the principles which they embody, into a declaration of minority rights (in the new constitution or elsewhere) to be accepted by the new Indian Government when it takes over. The proposed Board would then be the agency through which the Government would honour the obligations which it had thus contracted.

Yours sincerely,

P. L.

[3] L/P&J/7/6787: ff 110–70. [4] Not on L/P&J/7/6787. [5] L/P&J/7/6787: f 93.
[6] V(55) 3804/1. [7] L/P&J/5/235: ff 65–6
[8] Namely Article 73 (particularly paras. (a) and (e)) and Article 74.

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Sir E. Jenkins to Sir D. Monteath

Telegram, L/PO/10/25

IMMEDIATE
SECRET *25 August 1945*

No. 1392–S. For Monteath from Jenkins. Secretary of State's telegram No. 18733[1] of August 23rd. Acting Viceroy does not arrive until tonight and in view of urgency I send following information based on Home Department report.

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2. Forward Bloc was not (repeat not) banned under Criminal Law Amendment Act like other political organisations but under Defence Rule 27–A which was based on U.K. Defence Regulation, 18–AA. Forward Bloc was declared on June 20th, 1942, under rule cited to be organisation "the persons in control of which have had association with persons concerned in the government of States at war with His Majesty". Subhas Bose was President of Forward Bloc and after joining enemy attempted to maintain contacts with other members of Forward Bloc in India.

3. It is presumed that "latest information" referred to by Secretary of State is that contained in comprehensive note on Forward Bloc, dated March 31st, 1945,[2] by Intelligence Bureau. I.P.I. have copies of this note. Little further information can be added because most important known Members of Forward Bloc have been in detention. . . .[3]

4. Governors considered[4] Forward Bloc with reference to specific requests in Azad's letter of July 15th[5] and before Japanese Surrender. Question whether ban should be removed in view of wording of Defence Rule 27–A and Japanese surrender is now being considered with Provincial Governments. Home Department advise against hurried decision in view of obvious connection between Forward Bloc and I.N.A. problem.

5. I would add that comment in Nationalist press on report of Subhas Bose's death indicates that he is to be treated as something like a national hero.

[1] No. 61. [2] Not traced in India Office Records.
[3] A personal reference is omitted. This was said to disclose 'connection between Subhas Bose and Bengal Volunteer Group which D.I.B. confirms is part of Forward Bloc Organisation, though members of group may not all belong to Bloc.'
[4] See No. 2. [5] Vol. V, No. 614.

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Sir E. Jenkins to Mr Abell

Telegram, Wavell Papers. Political Series, July–September 1945, pp 65–7

IMPORTANT *25 August 1945*
SECRET

No. 1394–S. For Abell from Jenkins. I have just seen copy of intercepted scheme for Hindu–Muslim compromise sent by Azad to Gandhi on 2nd August. In covering letter Azad says Congress must find means to remove Muslim suspicions and must have definite policy on Muslim question. He thinks an Arbitration Committee feasible, but as a preliminary "all the Muslim organisations that are outside the Muslim League should fully organise themselves and

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come to a decision about the future constitution". The Congress should then accept this decision and with these Muslim organisations should stand firmly by it. Azad encloses a memorandum in which he sets out his own ideas emphasising that he gives them in his personal capacity and not (repeat not) as Congress President.

2. Introductory paragraphs of memorandum admit existence of communal problem and say that it is useless to enter into the causes of it or to apportion the blame for it. The Muslims are afraid and their fears can be removed only by devising a scheme under which they will feel secure. Any attempt to form a unitary government will fail. Partition will also fail and is against the interests of the Muslims themselves. As an Indian Muslim Azad regards partition as a defeatist policy and cannot accept it.

3. Memorandum then gives following "rough outline":—

Begins. (*a*) The future constitution of India must be federal with fully autonomous units in which the Central subjects must be only of an all-India nature and agreed upon by the constituent units.

(*b*) The units must be given the right of secession.

(*c*) There must be joint electorates in both the Centre and the Provinces with reservation of seats and such differential franchise as may be needed to make the electorates reflect the strength of population of the communities.

(*d*) There must be parity of Hindus and Muslims in the Central Legislature and the Central Executive till such time as communal suspicion disappears and parties are formed on economic and political lines.

(*e*) There should be a convention by which the Head of the Indian Federation should in the initial period be Hindu and Muslim by turn. *Ends.*

4. With reference to this outline memorandum observes that belief in strong Centre as essential for unity is no longer tenable as example of Soviet Union shows. Joint electorates would probably be accepted both by Hindus and Muslims in the Provinces as the majority community has nothing to fear and the minority community is able to influence the decision of the majority. Muslims might be afraid of joint electorates at the Centre, but with parity in the Central Legislature and Executive and the grant to Provinces of the right of secession, their fears would be groundless. Azad expresses the belief that on careful consideration, Muslims would accept his scheme.

5. Memorandum ends with appeal to Azad's Hindu friends "to leave entirely to Muslims the questions of their status in the future constitution of India". If Muslims are satisfied that a decision is not (repeat not) being imposed upon them by non-Muslim agency, they will drop partition and realize that their interests are best served "by a federated and united India". Azad adds that once

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Indians acquire power, economic, political and class interests will oust communal interests.

6. I am sending copy of papers by tomorrow's bag. Azad is clearly uneasy and perhaps fears that unless Hindu Congress leaders take a new line, nationalist Muslims will desert them. The suggestion which appears both in the letter and in the memorandum that the status of Muslims in the future constitution of India must be left to Muslims is a version of Jinnah's claim for self-determination. I am sure that in the present state of communal feeling Muslims would not accept joint electorates at the Centre or in the Provinces. Otherwise Azad's scheme goes a long way to meet Muslim demands though it will not satisfy Jinnah or the League.

69

Sir D. Monteath to Lord Pethick-Lawrence

L/P&J/8/531: ff 18–19

25 August 1945

Secretary of State

You may care to read this interesting note[1] by Mr. Patrick; but though the suggestions to be found on pages 3 and 4 may be of some value in the process of finding a solution of the constitutional problem; I do not think that they are relevant to the issue which is immediately before us.

Both Sir V. T. Krishnamachari and Mr Shiva Rao advocate the use of the federal constitution, with greater or less modification, as an interim constitution —a sort of halfway house, admittedly of strictly limited life, towards the final constitutional settlement. I do not suppose that anyone really expects that India could move at one bound from the present position to a final permanent constitution, and it may well be that a useful idea to ventilate at the appropriate stage would be the adoption of the federal plan more or less as shaped in the Government of India Act as a confessedly interim arrangement. (Of course it was only legislated by Parliament as an interim arrangement which would develop of itself; for the expectation, or hope, was that the safeguards and other restrictions contained in it would lapse into desuetude as Indians gained experience in self-government and as the discordant elements in the Indian polity learned to live in harmony.)

These suggestions by Krishnamachari and Shiva Rao, whatever their value, seem to me to belong to a later stage than we have yet reached. They might perhaps be usefully considered by a constituent body; but the immediate problem before us is whether the time is ripe to move from the elections which

[1] No. 54.

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are to be held this cold weather straight to the establishment of a constituent body.

But though Krishnamachari's suggestion and equally Mr. Shiva Rao's, seem relevant only to a stage not yet reached, the former does contain the germ of an idea which might be followed up as indicating a sort of introductory stage which might be evolved in the light of, and following the results of, the Provincial elections now to be held. I do not think that there is the slightest hope of the Muslim League or the depressed classes (or possibly other minorities) agreeing now to take part at any time in a Federal Executive formed under the provisions of Pt. II of the Government of India Act; but they might conceivably be willing (provided that the Executive remains as it is now in the form of the 1919 Act) to take part in a Legislature formed, so far as British India is concerned, on the structure of the federal provisions of the Act. (This would of course entail the dissolution of the Central Assembly which is to be revivified by elections to be held this autumn; that would be an unfortunate waste of energy, but perhaps not otherwise regrettable).

The Provincial Assemblies will be refreshed by the elections and will be constituted as laid down in the Act. It would be possible to devise legislation which would enable the Provincial Legislatures to send representatives to a new Central Assembly in accordance with the federal provisions of the Act. That by itself would not be of much use: but it might be possible to induce the bigger States at any rate to nominate representatives, to the number permitted under the federal provisions to such States as were willing, to take their place in the Central Assembly. Pending the establishment of a full federal constitution—executive as well as legislative—an Assembly so formed could only have legislative power in respect of British India, and with the presence of an element from the States it must be a sort of hybrid for which special provision would have to be made to permit the representatives of the States perhaps to take part in debate, but not to vote, on any legislative matter applicable to British India; they might perhaps be given the right to debate *and* vote upon resolutions or similar non-legislative motions which were of All-India significance. They could at any rate express the view of the States on British India legislation which was likely to have a bearing on the interests of the States. By this hybrid and wholly irregular sort of arrangement one might create a forum and an atmosphere in which opinion might be shaped in regard to those All-India matters which must be surmounted before any union of the discordant elements in India can be brought about.

Such an unorthodox arrangement has obvious disadvantages; it is not the tidy sort of proposition which Parliament would be likely to approve and readily give legislative shape to; but it might pave the way to the setting up, out of its own composition, of a body which would directly tackle the task of framing an All-India constitution; and in the meantime it would afford a

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means of making some forward move in the light of the Provincial elections which are to be held, *other* than the establishment of a definitely constituent Assembly which the Muslim League and other minority interests are likely to refuse to participate in.

Put very summarily the idea that emerges from Krishnamachari's plan for early adoption is

(i) by Parliamentary legislation to substitute for the Central Assembly as now constituted (under Schedule IX, i.e. under the 1919 Act) one constituted, in respect of its British Indian element, according to the provisions of Part II of the 1935 Act.

(ii) "tack on" to this representation of such States as can be induced to agree, their representatives to have the right to debate on, but not vote on, business of British Indian implication; but to vote on Resolutions etc. of All-India implication.

(iii) The Central Executive to remain as now, with the G.G.'s "safeguarding" powers unchanged.

D. T. M.
25.viii

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Mr Turnbull to Lord Pethick-Lawrence

L/P&J/10/20: ff 162–3

PRIVATE *25 August 1945*

Secretary of State,

I have been reflecting on the possibilities that you threw out in conversation yesterday.

I think there is no doubt that the better of the two alternatives would be to invite some Indian leaders to come over here for consultations. This has the following advantages:—

(a) They would make contact with the general atmosphere here and get an idea of the general outlook of Members of Parliament and of the Government which most of them have had no opportunity of getting since 1935 or earlier.

(b) Although they would be cut off from their political organisations they might be more candidly outspoken here than they would be in India, and give more genuine advice, and they would not be subject to intermittent pressure from their followers during the conversations.

(c) A much higher degree of secrecy could be maintained as to the character of the conversations.

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(d) This alternative would be much more likely to be agreeable to the Viceroy. The arrival of any member of H.M.G. in India for political conversations is always bound to be regarded by Indians as a reflection on the Viceroy unless, as in 1917, he is personally associated with whatever is the purpose of the mission. On the other hand it is very difficult for conversations of this sort to be carried on by two people jointly.

On the other hand there are the following drawbacks:—

(a) It would be difficult to compile a small party of people to come here which would not give rise to criticism and protests from those who had not been invited. This is the more so because the recognised political organisations—Congress, the League, the Mahasabha—do not cover all the Hindus or Muslims; and the Depressed Classes and the Sikhs are divided among themselves. It is, however, possible by choosing Dr. Ambedkar and Tara Singh to get generally recognised leaders of those two communities. Provided the conversations were exploratory rather than decisive in character I should think that a party of 12 persons or less could be made reasonably representative.

(b) It is very difficult to find suitable representatives of the States on such occasions. The Chamber of Princes represents only the medium and smaller States, and the big States which matter most can only be dealt with individually. It might be possible, however, to get the States' point of view represented by an experienced Dewan such as Sir V. T. Krishnamachari provided the Conference were of an exploratory character.

(c) The important leaders of Party organisations may be very reluctant to come away from India until the elections have been held. This probably applies particularly to Jinnah and an invitation to him to come away might be felt by him to be unfair at this juncture. Possibly this might be obviated if the Conference could be held fairly soon and did not last very long.

(d) The person to invite from the Congress will be difficult to select. My experiences in 1942 convinced me that Nehru, although immensely popular with the Indian masses, does not in fact hold the most commanding position in the Working Committee. I suspect that the Working Committee recognise Nehru as a great popular figure and also use him as an able draughtsman with a very great knowledge of the outside world which the other members do not possess, but I believe that in the last resort the decisions of the Congress are influenced by Vallabhbhai Patel who is an all-out follower of Gandhi and extremely embittered and hostile to us. It is the Vallabhbhai Patel/Rajendra Prasad/Gandhi element in Congress which dominates and they were able to defeat both Bose and Rajagopalachari when they sought to redirect Congress policy on a new

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line. They were also the people who defeated the Cripps Mission in 1942 when, I think, Nehru would like to have co-operated. Consequently, if Nehru were invited to come here he might be helpful but be unable to carry the Congress with him afterwards. Gandhi would not come because he is too old and if we asked Congress to ask two people they would very likely send Azad and Nehru. This is a difficulty to which I see no solution and it would probably be the case that we should not be able to pick and choose whom the Congress sent but should have to invite the Congress to send their President or his representative and give both the Congress and the Muslim League the opportunity of sending two representatives if they wished.

It seems to me that this proposal for a meeting in London might very well provide a suitable cushion to soften an uncompromising announcement that a Constituent Assembly on the Cripps proposals model will be convened. After the Viceroy's visit an announcement could be made to the effect that now the Japanese war is over H.M.G. are ready and fully prepared when the Provincial elections have been held, to implement the proposals of 1942 including the summoning of a Constituent-making body on the lines then proposed. The Offer of 1942, however, envisaged that if the leaders of Indian opinion between that time and the end of hostilities agreed upon some other form of Constituent-making body, that form should be substituted for the one proposed by H.M.G. As circumstances since 1942 and the unexpected end of hostilities with Japan and the pre-occupation of the Simla Conference have given no real opportunity for Indian leaders to consider alternative possibilities, H.M.G. have decided to invite a number of recognised Indian leaders to London with a view to obtaining their advice as to whether the summoning of a Constituent-making body on the lines proposed in 1942 would be a helpful and desirable step or whether the leaders can agree upon some alternative which they would prefer.

F. F. T.

71

Dr Mookerjee to Field Marshal Viscount Wavell (Extract)

L/P&J/8/683: ff 8–12

77, ASUTOSH MOOKERJEE ROAD, CALCUTTA;
CAMP, BOMBAY, *25 August 1945*

Dear Lord Wavell,

I am venturing to address this letter to you in my capacity as President of the All India Hindu Mahasabha. There are certain matters fundamentally connected

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with the working of the present constitution and also affecting India's future constitution which it is my duty to bring to your notice, particularly at a time when you will be holding discussions with His Majesty's government regarding India. The Hindu Mahasabha is the only political organisation in India which claims to represent the point of view of Hindus as such on all matters affecting our political rights. Although we are a Hindu organisation, our policy and programme regarding the future constitution of India are based on strict principles of democracy and we ask nothing for Hindus as such which we shall not be prepared to concede to any other community. We have no option but to organise ourselves as a Hindu political organisation because our political rights have been flagrantly ignored in the past and even today they do not receive due consideration at the hands of the British Government and their representatives. I do not know if you have examined in detail the full implications of the Communal Award[1] which forms the basis of the present Indian Constitution. It is ignored by many persons that Hindus also form a minority in five provinces in India. Under the Communal Award separate electorate, whose main object is to protect minority rights, has been conceded to the Moslem community in provinces where it is in a majority and not to us, Hindus, where we are in a minority.[2] Again weightage has been given to Moslems wherever they are in a minority but Hindus in provinces like Bengal and the Punjab, though they are in a minority, have not been given representation even on the basis of their population strength.[3] Thus the minority community has been placed entirely at the mercy of a majority which sends its representatives to the legislature through electorates based on religion, giving no opportunity whatsoever to the minority to appeal to a common electorate and remove any undesirable member who may have gone against the interest of the minority community or of the province as a whole. Indeed so long as separate electorates will continue and the injustice done to the Hindus under the Communal Award is not removed, you can never have the means of ascertaining true public opinion in India nor can any form of democratic Government function within this country. The Hindu Mahasabha, though in name a communal organisation, has therefore demanded that the electorates should be joint and national in character with reservation of seats for the minority community if required. If weightage is given to a minority community it must be equally given to all minorities and not to Moslems alone. Such weightage however must not reduce a majority community into a minority in any part of India. This obviously means that in five provinces the Moslem majority will dominate the administration. But we as minority Hindus in those areas do not mind this so long as there is joint electorate and the minority community has the right to appeal to the electorates to remove any member who may go against the interest of the people as such. It is most unfair to the Hindus in the provinces where they are in a minority that the next election should be based

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on the Communal Award which had deliberately curtailed their minimum rights, thus giving them no opportunity whatsoever to express their view point properly and effectively in the making of the new constitution of their country. On account of constant propaganda carried on everywhere, it is ignored that the constitution has not only to protect the minority rights of Moslems and others but also of Hindus, millions of whom reside in areas predominantly Moslem.

It fell to my lot to call upon the people to oppose your plan for an interim settlement. I regarded your proposal for parity between Caste Hindus and Moslems as unfair and unjust to Hindus. Where we Hindus are in a minority, we practically receive no protection. Where we are in a majority, we are to be reduced to an artificial minority simply for the purpose of placating a section of Moslems. This is not only unjust but undemocratic. By all means let the constitution protect the rights of all minorities wherever they exist, but if any form of democratic constitution is to function in India it must be recognised by all that the rule of majority must prevail in some form or other, whether at the centre or in the provinces.

Regarding Pakisthan you should know our standpoint. We stand unreservedly by the doctrine that India's geographical and political unity which is a reality must continue intact and there can be no compromise on this issue on any consideration whatsoever. Economically India's division into separate sovereign zones will be disastrous. Further the claim of Pakisthan is based on the plea that the minority Moslems must not be coerced into accepting a system of administration which will be dominated by Hindus. But may I ask what is Pakisthan itself except that it constitutes a tyranny of the majority over the minority? Mr. Jinnah's demand is that provinces in India where Moslems are in a majority will be cut out of India, depending on the decision of the Moslem majority alone. His Majesty's Government has repeatedly said that it will not force upon India any constitution unacceptable to any large minority community. If the deciding party is to be the minority, surely the Pakisthan issue must depend on the wishes not of the Moslem majority but of the minority Hindus in the provinces concerned, who will be gravely affected by such an arrangement. Pray do not overlook the fact that Pakisthan or division of India is no solution of

[1] In a statement dated 4 August 1932, His Majesty's Government announced that, in the absence of any agreement between the Indian communities, it had itself decided how seats in the Provincial Legislatures were to be allocated among the communities under the proposed new Indian Constitution then under discussion by the Round Table Conference (Cmd. 4147). This allocation, known as the Communal Award, was, with some modification, to form the basis of the distribution of seats in Provincial Legislatures, and the projected Federal Legislature, laid down by the Government of India Act 1935.

[2] Mr Turnbull noted against this sentence: 'The Hindu seats are called "General seats" & the Muslims & D[epressed] C[lasses] & Christians have separate electorates. In effect the Hindus have a separate electorate.'

[3] Mr Gibson noted against the latter part of this sentence: 'Untrue'.

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the communal problem. Millions of Hindus will live as a minority within Pakisthan and millions of Moslems will live as a minority within Hindusthan. Before Mr. Jinnah's claim can be considered he has got to answer two questions satisfactorily. He says he can never submit to majority rule. If 75 percent of India's Hindu population is so small a majority that it cannot persuade 25 percent of Muslim minority to remain as willing citizens within India, how can Mr. Jinnah demand that in a province like Bengal 54 percent of Muslims will constitute themselves into such a big majority that they alone will decide the fate of 44 percent of Hindus living in that province. Is that not a tyranny of the majority over a minority based entirely on religious consideration? Secondly Mr. Jinnah must have some scheme for protecting minority rights within his Pakisthan. Any scheme which he may himself adopt for the reasonable protection of the religious, cultural, political and economic rights of the minorities within Pakisthan will be acceptable to the Hindus for protecting Muslim minority rights wherever necessary. Why then, one may ask, should India be torn to pieces on communal and religious considerations? We do not wish that any province should have the right to secede from the Indian State. Our first and foremost objective is the self-determination of the Indian people as such. We do not want to see encouraged cleavages and dissensions based on communal or provincial considerations. After India attains her freedom, if any particular territory desires to break away from the Indian State, it must make out a case for it and the matter can be finally decided not merely with reference to the interest of that territorial unit alone but to the interest of the Indian State itself. I admit there is need for redistributing the boundaries of the Indian provinces on linguistic and cultural considerations. Take my own province of Bengal. More than six millions of Bengali speaking people reside in areas immediately adjacent to Bengal which now fall within Behar, Assam and Orissa. If Bengal's boundaries are redistributed on a linguistic and cultural basis, Bengal ceases to be a Moslem majority province. Let each province enjoy the fullest possible autonomy and develop itself according to its own light and judgment; but over and above all these provinces there must exist a strong Central Government which will be able not only to maintain a correct foreign policy and defend India's boundaries but also see to it that internal security is maintained and India's economic advancement is achieved for the benefit of all classes of her people, irrespective of race, creed and community.

It is a matter of deep regret that the Hindu point of view in Indian politics has been systematically ignored. The Congress is not a Hindu organisation and its leaders have repeatedly pointed out that they do not represent Hindus as such. The Moslem League is a full-fledged Moslem body and represents Moslem opinion. How can you settle the Hindu–Moslem problem by a Congress–League settlement? This means that the Hindu point of view will remain completely unheard. It may be as a political party we are still not as strong as

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the Congress but my experience resulting from constant tour throughout India justifies my asserting that there are millions of Hindus throughout India who today stand by the Hindu Mahasabha. Even though we may be in a minority, our view-point must not be crushed. You should adopt a system of proportionate representation in selecting members of the legislature and certainly of the Constituent Assembly. If for instance the Hindu Sabha secures 30 percent of the total Hindu votes in the coming elections, we may rightly insist on our having representation as a party determined by such votes.

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Lord Hailey to Sir D. Monteath

MSS. EUR. D. 714/25

COLONIAL OFFICE, PALACE CHAMBERS,
BRIDGE STREET, S.W.1, *27 August 1945*

Dear Monteath,
You might care to glance at this letter from Mudie. Would you very kindly let me have it back again?

Yours sincerely,
HAILEY

Enclosure to No. 72

SIR F. MUDIE TO LORD HAILEY

2 BHAGWANDAS ROAD, NEW DELHI, INDIA,
4 August 1945

Dear Lord Hailey,
Many thanks for your letter of 29.6.45. Things have, of course, altered since I wrote to you. I was in Simla for the beginning and the end of the Conference with a break of a few days in the middle, just to breathe the comparatively fresh air of Delhi in June! I have little doubt, from what I know, that Jinnah got cold feet and that whatever had been offered to him, at the end he would have found some excuse for refusing it. For the Congress to come in, they had to be convinced that the Viceroy's "veto" was ineffective, whereas Jinnah demanded an effective veto. Every time Jawahar Lal made a speech saying that the Viceroy would not be able to use his veto, Jinnah and the League got more and more frightened.

As I see the position now, it is that unless a political Government is formed at the Centre, without the League, i.e. unless we hand over the country to the

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Congress alone, a course which seems to be [?me] to be both administratively and morally impossible, no real change at the Centre is possible until we have solved the question of how to remove the Muslim fear of Hindu domination at the Centre. This problem has never really been explored in the light of developments since 1937, but unless it is taken up soon, we will drift into a position from which, as in Ireland, partition will be the only possible move. We must face up to the realities and not hope against all the evidence that Gandhi and Jinnah will "see reason". One of the first questions is who is to exercise political control over the Army.

I am sorry Cripps has not gone to the India Office, though I did not expect him to. I hope the new Secretary of State is a realist.

Again many thanks for your letter.

Yours sincerely,
R. F. MUDIE

73

Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/E/8/4869: ff 142–50

PRIVATE INDIA OFFICE, *27 August 1945*

1. I had just approved a proposal to send you a letter on the lines of this, when it was decided to summon you home; but I think that it may still be convenient to you to have this letter, the contents of which you may wish to discuss with me.

In paragraph 7 of your private and secret letter of 5th August[1] you mentioned the projected appointment of a United Kingdom High Commissioner in India; and that is the subject on which I wish to write.

In the first few sentences, however, you alluded to another matter which is to some extent germane—the statement by Mr. Bevin at Blackpool[2] that it would be the Labour Government's intention, if it came into power, to abolish the India [Office] and transfer its functions to the Dominions Office. This matter has been put to rest for the time being by the following answer given by the Prime Minister to a question in the Commons on 21st August,[3] *viz*:

> "The question of the future of the India Office will be a matter to be considered as part of the Government's policy towards the Indian problem. I have no statement to make at present."

By implication, you will see, the Prime Minister took the same point as yourself, that this step would not be suitable to take independently of a general political settlement.

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2. Turning now to the question of the United Kingdom High Commissioner, Amery, in announcing in the House of Commons on 14th June[4] the decision of the late Government to create this appointment for the better representation in India of the particular interests of the United Kingdom, explained that as a result of this innovation the United Kingdom High Commissioner would be free, as in the Dominions, to discuss and negotiate with the appropriate Departments of the Government of India, questions bearing on these particular interests on a footing of complete equality and also of complete frankness.

3. When the late Government resigned, discussion of the functions of a United Kingdom High Commissioner had already been actively pursued on the official level in my Office. The general lines of a proposal for the consideration of Ministers had been planned and settled on the official level in informal exchanges with the Dominions Office. The matter had not yet however been discussed with the other interested Government Departments here and the provisional conclusions reached had not yet been brought up for consideration at Ministerial level.

4. I have now had opportunity to study the whole question. I find that the recommendation of those Ministers of the Coalition Government who had had the project before them was to proceed with the creation of this appointment in any event, whether the Simla Conference succeeded or not; and that the governing consideration in their minds at the time was not to make any special gesture to Indian opinion but rather to secure better protection of United Kingdom interests in India—notably financial and commercial—than it would seem possible to obtain, or indeed reasonable to require, from the Governor-General associated as he now is with a Council largely Indianised and faced with possibly conflicting Indian interests which it is his first duty, and theirs, to seek to protect.

5. I find myself in general agreement with the Coalition Ministers who considered the matter as regards the desirability on these grounds of making this appointment, with which conclusion I note that you agree. This has encouraged me to have a statement of the proposal prepared for circulation to my colleagues. It is not usual for the Secretary of State to consult the Viceroy on the draft of a memorandum to be addressed to his colleagues. However, the functions to be assigned to a High Commissioner would interlock closely with your own, and from the very nature of the appointment must necessarily in some degree affect their exercise. I therefore feel justified in departing from precedent with a view to obtaining your comments on the details of the proposal before it is circulated, in the hope that I may be able to say that it is made

[1] No. 4. [2] See No. 4, note 7. [3] See *Parl. Debs.*, 5th ser., H. of C., vol. 413, col. 459.
[4] See *ibid.*, vol. 411, col. 1840.

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with your concurrence, and I enclose herewith for your personal consideration a provisional draft of the memorandum which I should wish to circulate. The draft has already been seen and concurred in by the Dominions Office at the official level.

6. The first six paragraphs of the draft call for no special explanation or comment on my part. I think you will agree that they set out what, on the precedent of similar posts created in the Dominions, are now accepted as being the essential functions of a United Kingdom High Commissioner, subject to such modification and restriction as seems appropriate to the present constitutional stage in India. I may say that the Dominions Office have not in fact found it necessary to issue any instructions or directive to the High Commissioners dependent upon them. The functions which these perform, while they differ slightly from one Dominion to another, are broadly those which after initial experience in Canada, Sir William Clark, the first United Kingdom High Commissioner in that Dominion, recommended should be those of himself and his successors.

7. It is in regard to paragraphs 7–11 of the draft that I feel that some further explanation may be of service. You will see that I have come down in favour of putting the High Commissioner "under" the India Office—that is to say his post would be borne on the India Office Vote and correspondence with him would be conducted by His Majesty's Government through the medium of the India Office. That, of course, does not in the least imply, as you seem to apprehend, that he would be "simply an agent of the Secretary of State for India": he would indeed be the agent of His Majesty's Government as a whole, or, as occasion required, of whichever Minister was particularly concerned to give him guidance on a particular issue. On the point of the political effect that might be achieved in India by formally dissociating the appointment from the India Office, I think that the same considerations apply generally as on the broader question to which I alluded at the beginning of this letter, and which Bevin raised at Blackpool. So long as the relations of His Majesty's Government with India require that a Secretary of State should be in separate charge of the conduct of them, it would surely be no more than a hollow pretence to arrange that one aspect of them should be made to appear to be in the charge of some other Minister.

8. The principal point, therefore, to which I have addressed myself is the administrative advantage or otherwise of linking the proposed post to an Office other than the India Office so long as the constitutional relations between His Majesty's Government and India are such as to require that there should be a Secretary of State specifically charged with the conduct of them and an Office under him by which he may discharge his functions. In actual practice, instructions in any particular context to the High Commissioner might very

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well be formulated in the first instance in the Board of Trade, Treasury or other Department directly concerned with the United Kingdom interest which it was contemplated to advance in India. This happens in relation to instructions to the High Commissioners in the Dominions, though they are transmitted through the Dominions Office both for purposes of co-ordination and because it is the function of the Dominions Office to impart into such instructions the colour which the general relations between the United Kingdom and the Dominion affected render appropriate. It is of no practical concern to the Dominion Government or to public opinion in the Dominion from which Department of His Majesty's Government in Whitehall instructions really emanate or through which Department they are transmitted; and I understand you to consider yourself that for India also this would in fact be immaterial.

9. For myself I greatly question—and the comments in the Indian Press on the suggestion to transfer the functions of the India Office to the Dominions Office reinforce my doubts—whether the psychological effect of making the Dominions Office the means of communication with a United Kingdom High Commissioner in India would not be illusory. From the administrative angle I am, as at present advised, very conscious of the practical disadvantages of dissociating the High Commissioner from the Department which has the general background knowledge of Indian conditions against which any particular instruction should be formulated. Moreover, I do not foresee Parliament exempting the Secretary of State for India, as the responsible Minister, from the obligation of supplying information and explaining the policy followed in relation to matters within the jurisdiction of the Central Government of India on which it may fall to the United Kingdom High Commissioner to make representations: and while it still fell to the Secretary of State for India to face Parliament on these matters, the pretence sought by placing the High Commissioner "under the Dominions Office" would be very clearly and, on occasion, embarrassingly exposed.

Therefore so far as psychological effect is to be sought from the appointment, would not it best be achieved by making it plain, when announcing the creation of the post, that in respect of the matters with which the High Commissioner is charged, the Secretary of State for India and His Majesty's Government intend to waive in practice their statutory right to give directions to the Government of India and will in future proceed solely by negotiation conducted through their new representative?

10. For the above reasons I hope that I shall have your concurrence in the proposals which I contemplate making about the channel of the High Commissioner's instructions, viewed from the point of view of administrative efficiency and without prejudice to the essentially political question still to be considered here of any re-allocation of departmental responsibilities in relation

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to India, in consequence of change in her constitutional relationship to His Majesty's Government.

Yours sincerely,
PETHICK-LAWRENCE

Enclosure to No. 73

Draft Memorandum for the Cabinet India and Burma Committee

APPOINTMENT OF A UNITED KINGDOM HIGH COMMISSIONER IN INDIA
MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

[*There follows, with minor differences, the text of paras. 1–11 of No. 147.*]

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Mr Attlee to Lord Pethick-Lawrence

L/PO/8/41a: f 134

PRIVATE AND PERSONAL — 10 DOWNING STREET, WHITEHALL, *28 August 1945*

My dear Pethick,

Here are two names for your consideration for your Indian Governorships.

Fred Burrows late President N.U.R. First class abilities. Served on the Ceylon Constitutional Committee. I had the highest appreciation of him from all sides including O. Stanley & the Chairman of the C[om]m[i]t[t]ee.

Air Vice Marshal H. V. Champion de Crespigny our candidate for Newark. For career see Who's Who. He came to me to join our Party. I was much impressed by his strength of character and grasp of essentials. I am seeing him tomorrow and unless you have any objection will sound him as to his willingness to take a Governorship.

Yours ever,
CLEM

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Lord Pethick-Lawrence to Sir J. Colville

L/PO/10/22

PRIVATE AND SECRET — INDIA OFFICE, *28 August 1945*
Received: 4 September

I have not very much to say by way of private comment this week but I should like to send you a line to express to you my cordial welcome on taking

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over at Delhi. I hope that we shall be able to get through our business with Wavell in two or three weeks at the outside and I shall certainly make every endeavour to do so, but one cannot tell for certain how long it will take. I think it will be useful to both of us to continue the usual periodical private correspondence and I hope you will let me know through this channel if there is any particular matter on which you want my personal help. I propose to let Wavell see any correspondence which passes between us so that any comment you send will serve to keep him informed as well as myself.

2. There are a good many things I want to discuss with Wavell. The main item is, of course, the constitutional problem, but there are other important matters such as the policy towards detenus, the question of the Hifs and Jifs, and some problems in the near East and some matters connected with policy towards Japan after surrender which are of considerable interest to India. Our general feeling about the constitutional position is that the sudden end of the war makes it virtually essential to take some definite positive step which will be taken by the world at large as a sincere endeavour to fulfil the undertakings which we are widely understood to have given. One cannot tell if such a move will succeed, but our feeling is that it is necessary to make one, though I realise that we may have to pick our way very carefully if we are to succeed. It is fortunate that the Governors' Conference has so recently taken place, as I feel that Wavell will be in a position to review the situation with us very fully after his consultations with the Indian leaders at Simla and with yourself and all the other Governors.

3. The Food Department of the Government of India sent us a telegram on the 11th August putting forward certain demands for rice for India.[1] I have asked Runganadhan to put these in to the London Food Council and I have written myself to the Minister of Food emphasising India's demands and conveying the warning which Wavell reinforced in his telegram of the 9th August[2] and which I take to be the principal object of the Food Department telegram. I feel it is important to be sure that steps have been taken both in Bengal and by the Food Department of the Government of India to cope with the situation if a rice shortage on a serious scale were to occur as a result of the failure of the *aman* crop and the quantities exportable from Burma proved—as I am warned they well may be—inadequate to meet the needs of Bengal in addition to those of the other rice-eating countries with strong claims on what there is. I should be glad in due course to receive such assurance as you can give me that all possible steps have been taken to meet this possible emergency.

[1] 7044 which requested that a substantial portion of the paddy surplus being held in lower Burma be allotted to India. The tel. also warned that the rice position in India was likely to be less favourable in 1946 than in any year after 1943 as the monsoon so far had been markedly deficient in north Bihar and west and central Bengal. L/E/8/3491.

[2] 1270-S. L/E/8/3341.

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[Para. 4, on the Commonwealth Telecommunications Conference; and para. 5, on activities of Tass Agency correspondents in India and the difficulties of getting reciprocity in the U.S.S.R. for the distribution of Indian publicity material, omitted.]

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Sir E. Jenkins to Mr Abell

Telegram, Wavell Papers. Political Series, July–September 1945, p. 67

IMPORTANT *28 August 1945*
PRIVATE
SECRET

No. 1420–S. For Abell from Jenkins. My telegram No. 1394–S[1] of August 25th. Following is text of intercepted letter dated August 16th from Gandhi to Azad.

Begins. On receipt of your letter today I sent you the following wire: "Your letter I think should not be published. Writing fully".

I do not infer from your letter that you are writing about my Hindus. Whatever you have in your heart has not appeared in your writing. But don't worry, we will talk the matter over when next we meet, if you so desire. Whatever you want to say about the communal problems should not be said without consulting the Working Committee. I also am of the opinion that it would be better to keep quiet. The Party can give its opinion after consultations with you. They have the right to do so. Besides it is their duty. My opinion differs from your [*sic*]. I cannot say if I attach any importance to the Hindu and Muslim (convention). What the Congress may do is another matter. I don't like the idea of a Hindu and a Muslim alternately (acting as Head of the State). It means that members of other communities will be barred. All this needs careful pondering over. I do not feel the urge to do anything hastily. *Ends.*

Copy follows by bag. This is not very encouraging for Azad. Sir John Colville has seen.

[1] No. 68.

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Sir D. Monteath to Lord Hailey

MSS. EUR. D. 714/25

INDIA OFFICE, *29 August 1945*

My dear Hailey,
Very many thanks for letting me see Mudie's letter of 4th August to you,[1] which I return.

There have been some rapid developments since he wrote, and I see some hope of an attempt to tackle—"solve" is a little optimistic—the main problem that he posits.

I am not sure that I share Mudie's "regret", expressed in the antepenultimate sentence—though "grasping the nettle" and "getting to close quarters" are processes advocated in certain conditions. I think his "hope" in the next sentence may be fulfilled—though certain factors of principle or conscience will tend to present themselves.

Yours sincerely,
D. T. MONTEATH

[1] Enclosure to No. 72.

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Cabinet

India and Burma Committee. I.B. (45) 2nd Meeting

L/P&J/10/20: ff 121–8

Those present at this Meeting held at 10 Downing Street, S.W.1, on 29 August 1945 at 3.30 pm were: Mr Attlee (in the Chair), Sir Stafford Cripps, Lord Pethick-Lawrence, Viscount Stansgate, Miss Ellen Wilkinson, the Earl of Listowel

Also present were: Field Marshal Viscount Wavell, Mr A. Henderson; Sir G. Laithwaite and Mr J. P. Gibson (Secretariat)

THE PRIME MINISTER welcomed Lord Wavell on behalf of the Committee and invited him to give his appreciation of the Indian situation.

LORD WAVELL thanked the Prime Minister for his welcome, and proceeded to review the Indian political position.

As the Committee would remember, proposals of an interim character had, with the approval of the late Government, been laid before the Simla Conference of Indian political leaders. While at the beginning of that Conference the

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atmosphere had seemed hopeful, opinion had hardened as time went on, the Press had been less helpful than could have been desired, and, in the outcome, the Muslims had not been prepared to lend their support to the scheme approved by H.M.G., save on conditions which were wholly unacceptable. He found it difficult to judge whether Congress, had the Muslims been prepared to co-operate, could have been depended upon to adopt a wholly reasonable attitude, but they had not been put to the test.

The failure of the Conference had narrowed the field in which it was possible to move, and it brought us up more firmly than ever against the communal issue. Mr Gandhi, at the conclusion of the discussions, had said to Lord Wavell that there was no possibility, in his view, of a compromise between the Muslim League and the Congress, and that he thought that, in the long run, we should have to come down on the side of one or the other. Lord Wavell had suggested to Mr Gandhi that such a solution would involve our remaining in India for many years and possibly the use of force, to implement it. To that Mr Gandhi had made no reply.

The general effect of the Simla discussions had been, in his view, very considerably to harden communal feeling. He thought it most unlikely that Mr Jinnah would now enter into discussions without a previous guarantee of acceptance in principle of Pakistan. While it was possible to over-estimate the importance of any individual political leader, his own judgment was that Jinnah spoke for 99 per cent of the Muslim population of India in their apprehension of Hindu domination. The advice which he had had from Governors and others competent to judge was that in the forthcoming elections the Muslim League might be expected very greatly to strengthen their position and probably to capture a substantial number of seats from the Congress. We could not ignore the significance of that. The real strength of Mr Jinnah's position was the widespread and genuine fear among Indian Muslims of Hindu domination and Hindu raj. That fear might or might not be well-founded but of its existence and reality there could be no question. Congress by their unwise conduct in 1937–1939 had undoubtedly contributed both to the consolidation of the Muslim League and to the building up of the idea of Pakistan. But the root trouble was the psychological one which he had just described.

We had now to consider what the new step was to be, having regard to the failure of the Simla Conference. He had discussed this matter since his return with the Secretary of State for India, who would put certain proposals resulting from that discussion to the Committee. It was, of course, the case that the so-called Cripps offer of 1942 still held the field and that H.M.G. had repeatedly stated that they stood by it. But he wished to repeat that there had been a very great hardening in the feeling of the Indian parties since 1942.

The advice he received, which coincided with his own judgment, was that there was not now, and had not been over the last two years, any readiness on

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the part of any party in India to accept the general scheme represented by the Cripps offer. As regards the Constituent Assembly which the Cripps offer had contemplated on the conclusion of hostilities, he was very apprehensive that, if set up, it would be boycotted by one or other, or possibly by both communities. The Muslims would boycott it unless the Pakistan issue was conceded. To concede that issue would certainly lead to a boycott by the Hindus. THE PRESIDENT OF THE BOARD OF TRADE expressed surprise that this should be the case. All the evidence at his disposal from Hindus well qualified to judge, such as Shiva Rao, Durga Das, Mr. N. R. Sarkar, Mr. Birla, suggested that the Hindus would play their part in any Constituent Assembly and would welcome its establishment. LORD WAVELL said that that was not the advice he had received, or his own judgment. He continued that it would, in his view, be extremely difficult for H.M.G. to go forward were the great Muslim community to refrain from taking any part in the deliberations of a Constituent Assembly, and still more if both the principal Indian political parties were to stand aside from its discussions.

In his view, before further progress could be made, we should face up to the root problem which was the problem of Pakistan. The Pakistan idea had never been properly brought into the light of day. It would not, he felt, stand any objective analysis, and if we could arrange for such an objective analysis, the effect on the Muslim electorate might be considerable. If Pakistan could be publicly shown to be a wholly impracticable proposition (and he gave the Committee illustrations of the problems to which it would give rise) that would, he hoped, greatly reduce the vigour with which they would be prepared to go into action in support of it—more particularly since it could be implemented in certain Provinces, notably in the Punjab, only at the risk of most serious civil disturbance and bloodshed. While he recognised the possibility that Mr Jinnah would not be prepared to submit his case to any Commission, whether British or Indian, that might be set up, he thought that there was much to be said for a declaration at this stage by H.M.G. that an examination of the Pakistan issue might be necessary. The type of enquiry he had in view would be either one by a single British Commissioner of the highest standing or, alternatively, by a Commission of three, but entirely British in composition. The possibility of an international enquiry had been mooted, but he did not think that likely to appeal to H.M.G.

We should not overlook, in considering our future policy towards India, the importance of the States issue which would require very careful handling.

An unhappy aspect of the position generally was that the more important political elements in the country were, he felt, insufficiently interested in the practical handling of the great economic and financial problems that lay ahead —social progress, the improvement of the conditions of the agriculturist, the peasant, and the industrial worker, and the like.

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He had had to present to the Committee a picture of a very difficult and intractable problem. The course ahead of us was far from easy. But in his view we ought, once the elections were over, to make a determined attempt, despite the difficulties, to get on with the solution of the long-term constitutional position.

THE SECRETARY OF STATE FOR INDIA said that he had asked Lord Wavell three questions:—

(1) Would it be helpful to ask some of the Indian leaders to visit this country? Lord Wavell thought that there might be something in this, but that they would probably be very reluctant to visit the United Kingdom while the elections were pending.
(2) Did he suggest that the full investigation of the Pakistan issue, which he favoured, should precede the elections? Lord Wavell had not pressed for this.
(3) He had suggested to the Viceroy that there were three courses open to us if we were now to go forward with the long-term solution:—
    (a) to implement the Cripps offer *sans phrase*;
    (b) to start *de novo* with an entirely new approach, or
    (c) to take our stand on the Cripps offer subject to certain modifications.

He had asked the Viceroy whether he could suggest modifications of the Cripps offer which he thought would conduce to acceptance in India of our scheme. The scheme which he now wished to lay before the Committee had been worked out by the Viceroy with this end in view.

THE SECRETARY OF STATE FOR INDIA then laid before the Committee the draft[1] of a statement which might be made by the Viceroy on his return to India. Its general line was that elections would be held at an early date; that it was the hope of H.M.G. that when they had taken place, Ministerial responsibility would be accepted by political leaders in all provinces; that thereafter it was their express desire without any avoidable delay to form a constitution-making body; that proposals to this end had been made in the draft declaration of 1942, subject to consideration of any alterations upon which leaders of Indian opinion in the principal communities might agree; that H.M.G. now proposed, immediately after the elections, to invite such leaders to a fresh discussion in London with a view to the setting-up of a constitution-making body; that the main task of that body would be the making of provision to secure the rights of the minorities, but that it might be helpful as a preliminary step for H.M.G. independently to institute an examination of the problems that arose in that connection. In the meantime, consideration would be given by H.M.G. to the content of the treaty which would require to be concluded

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between Great Britain and India. The Viceroy would consider and advise H.M.G. after the elections what further attempts should be made to bring into being, through the interim period, an Executive Council which would have the support of the main Indian parties.

In the discussion which followed it was urged in favour of an announcement on the lines proposed:—

(1) that such an announcement avoided the risk of a head-on collision with one or other of the major political parties at a time when feeling was running high.

(2) The announcement, bringing out as it would that H.M.G. were working on the draft of a treaty, would make it clear that we really meant business, while the proposed consultation with political leaders in the more detached atmosphere of this country might give better hope of an accommodation being reached between them.

(3) The risk of serious communal outbreaks if we forced the pace were real and might make it impossible for India to spare those military forces which H.M.G. was anxious to obtain from her for duty overseas.

(4) All that was involved was a slight adjustment in the procedure envisaged by the Cripps offer. There was nothing inconsistent with that offer in the arrangements now proposed.

It was suggested, on the other hand,

(a) that action on the lines contemplated in the draft statement would be open to serious misunderstanding in India and here. We were committed by the terms of the Cripps Offer of 1942 to arranging for a Constituent Assembly once hostilities were over and the results of the provincial elections to take place next spring were known. That Assembly was to be formed (consistently with the policy which we were pressing in the case of all European countries) on the broadest democratic basis viz. the wide franchise for the provincial legislatures. The Cripps offer was not merely the policy of His Majesty's present Government who were bound by their election pledges to go ahead with the achievement of Indian self-government; the late Government had made it clear that they stood by it, and it might be regarded as in effect the settled policy of this country towards India. In these circumstances the draft declaration would be construed as a break-away from the Cripps policy, and as interposing an indefinite period of delay and discussion between India and the realisation of our constitutional undertakings to her. We should in effect be reviving the process of the Round Table Conferences.

(b) There was no real advantage to be gained either by summoning Indian leaders to this country for discussion or by conducting a technical

[1] See Annex.

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investigation into Pakistan. Experience had shown that Indian political leaders tended to be more, rather than less, intractable in this country than in India. As for the Pakistan issue, the difficulty, as the Viceroy had brought out, was a psychological one. The results of an enquiry would not really sway opinion in the communities concerned.

(c) We should make it perfectly clear that, even if the Indian parties were not prepared to take advantage of the arrangements for a constitution-making body proposed in the Cripps offer, H.M.G. would give effect to their undertakings and go ahead with arrangements for a Constituent Assembly. If the Indian parties, or any of them, were not prepared to co-operate, the responsibility would be theirs. H.M.G. would have discharged their obligations, and it would be clear to the world that any failure to make progress was due, not to H.M.G., but to the Indian parties themselves.

(d) The Cripps offer contemplated discussions at the end of hostilities by Indians themselves in a Constituent Assembly, ultimately elected on the broadest democratic basis. To substitute, as now suggested, discussions in London with selected Indian party leaders, the degree of backing behind any of whom was very far from certain, as a preliminary to a Constituent Assembly was surely inconsistent with this?

(e) Great weight must attach to the Viceroy's judgment of the danger of facing the major constitutional issue now. But could we avoid it? And was communal feeling likely to become less marked as time went on? Was there not at least equal danger in not moving sufficiently quickly and decisively?

After further discussion THE PRIME MINISTER said that it seemed clear that the majority of the Committee were not satisfied as to the case for action on the lines of the draft statement, and that there was strong support for an announcement on rather different lines. Such an announcement might repeat that H.M.G. stood by the pledges they had given to India to establish self-government in that country at the earliest possible opportunity, and after referring to the fact that elections on a broad democratic franchise were now being held, might state that once the result of those elections was known, the Viceroy would invite Indian political leaders to discuss with him whether there was any alternative method which they would prefer to the method proposed in the Cripps offer of 1942 under which the new Indian constitution would be devised by Indians themselves in a Constituent Assembly elected from the new provincial legislatures—but that if those leaders should not be in a position to put forward any alternative method, H.M.G., so far as they were concerned, would take the necessary steps to implement their undertaking and to arrange for a Constituent Assembly in the terms of the Cripps offer.

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He suggested in these circumstances, and *the Committee agreed*, that the Secretary of State for India and the Viceroy might consider the matter further in the light of the discussion with a view to a resumption of that discussion, possibly on the basis of an amended draft, in the immediate future.

Annex to No. 78

DRAFT OF ANNOUNCEMENT PROPOSED TO BE MADE BY THE VICEROY AFTER HIS RETURN TO INDIA

As stated in the gracious Speech from the Throne at the Opening of Parliament, His Majesty's Government are determined to do their utmost to promote in conjunction with the leaders of Indian opinion the early realisation of full self-government in India. During my visit to London they have discussed with me the steps to be taken.

An announcement has already been made that elections to the Central and Provincial legislatures, so long postponed owing to the war, are to be held at an early date.

His Majesty's Government earnestly hope that after the Provincial elections ministerial responsibility will be accepted by political leaders in all Provinces.

Thereafter, it is the express desire of His Majesty's Government, without any avoidable delay, to form a constitution-making body. Proposals to this end were made in the draft declaration of 1942, subject to the consideration of any alternative upon which leaders of Indian opinion in the principal communities might agree. His Majesty's Government immediately after the elections propose to invite such leaders to a fresh discussion in London with a view to the setting up of a constitution-making body. Representatives of the Indian States will of course be similarly invited and the Indian States will be entitled to be represented in the Constitution-making body.

The devising of adequate provision to secure the rights of minorities will inevitably be a main task of the constitution-making body; but His Majesty's Government think it may be helpful, as a preliminary step, for them to institute independently an examination of the problems that arise.

His Majesty's Government will meanwhile give consideration to the content of the treaty which will require to be concluded between Great Britain and India. Preparatory work has already been begun in India.

These processes will inevitably take time. Meanwhile, the government of India has to be carried on, and grave economic and social problems have to be faced. After the elections I propose to consider and advise His Majesty's Government what further attempt should be made to bring into being during the interim period an Executive Council which will have the support of the main Indian parties. Until then I hope that the Members of the present

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Executive Council will continue to serve India by carrying on the administration of the country.[2]

[2] In tel. 19222 of 30 August 1945 Mr Abell telegraphed this draft to Sir E. Jenkins informing him that it had been submitted to the India Committee the previous day. Wavell Papers, Political Series, 22 July–28 September 1945, p. 70.

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Field Marshal Viscount Wavell to Sir J. Colville

Telegram, Wavell Papers. Political Series, July–September 1945, pp. 69–70

IMMEDIATE *29 August 1945*
PRIVATE
SECRET

No. 468. Viceroy to Acting Viceroy. At meeting of India Committee today it became clear that proposal of Cabinet is to restate Cripps offer of 1942 and say that it will now be implemented. That is to say that after elections constitution-making body will be formed as laid down in 1942 offer unless before end of elections Indian leaders have agreed on other method. If anybody refuses to elect members or attend constitution-making body it will function without them.

2. I advised Committee that offer would not be acceptable to Hindu or Muslim opinion but Cripps insisted that from advice that had been received (Birla, Shiva Rao, Durga Das and others) Hindus would accept. His argument is that Indians must be faced with something concrete which is going to happen without further discussion. I stressed danger of trouble in the Punjab especially from the Sikhs if partition appeared probable (group corrupt) issue.

3. Draft declaration telegraphed to you in final form separately[1] was submitted to Committee by Secretary of State but criticised as too indefinite.

4. Committee will probably meet again early next week. Please consult secretly Hallett, Glancy, Casey and Hope and ascertain what they think would be reactions to statement as outlined in paragraph 1 above. Please also consult Corfield on attitude of Princes and cable as early as possible certainly by Monday morning, their reactions and your own comments and any suggested modifications of Cripps offer if His Majesty's Government insists on going back to this.

[1] See No. 78, note 2.

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Cabinet Paper C.P. (45) 137

L/Mil/7/19590: f 183

Future Provision of Officers for Indian Armed Services

Memorandum by the Secretary of State for India

India Office, *30 August 1945*

The Commander-in-Chief in India has submitted a memorandum[1] which I attach in which he outlines his proposals for the future officering of the Indian Armed Services. These proposals are based on the premise that ultimately the control of India's Armed Forces will be exercised by an autonomous Indian Government. They envisage the gradual and progressive replacement by Indians of the British element in the officer cadre of the three fighting Services; the future maintenance of that diminishing British element in each Service by secondment from the corresponding British Service instead of by the grant, as heretofore, of permanent commissions into the Indian Services; and the immediate grant of a limited number of permanent commissions to Indian officers who are now holding temporary or emergency commissions.

This last proposal has already been sanctioned and implemented. The Viceroy strongly supports these proposals and has pressed upon my predecessor the need for an early decision in regard to the points still outstanding.

2. We have, of course, for a long time been committed to a gradual Indianisation of the Indian Army. Before the war the Indianisation scheme was confined to twelve units, which were being gradually Indianised from the bottom upwards. This is all we were committed to apart from the general undertaking to promote Indianisation as rapidly as circumstances permit. During the war, however, owing to the extreme shortage of officers, Indianisation has been introduced throughout the Indian Army and Indian officers have been posted as circumstances required and regarded as interchangeable with British officer personnel. Indian officers have successfully held the command of fighting battalions and in one or two cases have commanded brigades and held appointments up to the rank of Brigadier. Clearly, in the circumstances, a big step forward in Indianisation will be necessary after the war.

3. It is clearly impossible under conditions of progressive Indianisation of the Services for His Majesty's Government to guarantee reasonable certainty of a military career to a young British officer whose preference is for service in the Indian fighting forces unless his sheet anchor is in the comparable British

[1] Vol. V, Enclosure to No. 297.

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Service with frequent opportunities of service in the Indian Forces. (The intention is to encourage the British officer to undertake several periods of secondment to Indian Army service, separated by intervals of a year or so; this will afford opportunity to preserve that close contact between British officers and Indian other ranks which has been a great source of strength to the Indian Army.) In order to retain a sufficient number of the temporary officers who have been serving during the war as British Service Officers attached to the Indian Army, it is clearly advisable to put our cards on the table and let those who want to stay with the Indian Army know what the future is likely to hold for them. Moreover, the Commander-in-Chief argues that, from the point of view of professional efficiency under modern conditions, arrangements whereby officers can be transposed between the British and the Indian Armies will be very important.

4. The conditions of service governing arrangements for secondment from and reabsorption into the British Service of the British officers, a proportion of whom in the process of Indianisation would become surplus not only to the needs of the Indian Services, but also, probably in less degree, to those of the British Army, are matters which will require detailed examination by the Government of India and the Departments of His Majesty's Government. This will be undertaken forthwith if the broad principle proposed is approved, and it appears to me to be unnecessary to discuss them even in outline at this stage.

5. From the political aspect I consider that a step of the kind outlined in paragraph 1 is desirable. There has always been unanimous feeling among Indian politicians that the pre-war rate of progress in Indianisation was too slow and the maximum acceleration of the process consistent with military efficiency is clearly desirable from the political angle. The continued grant to British officers of regular commissions in the Indian Army would, I feel, be regarded by Indian public opinion as a negation of our expressed intention progressively to Indianise the Army. Hence, from the political as well as the professional aspect, acceptance of the principle of secondment seems to me to be highly desirable.

6. The Chiefs of Staff Committee have examined these proposals particularly with regard to the continuing efficiency of the Indian Defence Services. They consider that they are acceptable in principle subject to detailed examination by each of the Service Departments, in consultation as necessary with the India Office, and with the appropriate authorities in India.

I therefore ask the Cabinet to approve the proposals in principle, leaving examination of the details to be made subsequently, as recommended by the Chiefs of Staff Committee.

P.-L.

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Cabinet

India and Burma Committee. Paper I.B. (45) 5

L/P&J/10/20: ff 129–34

The All-India Forward Bloc

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *30 August 1945*

In accordance with the request made by the Committee at its meeting on 17th August (I.B. (45) 1st Meeting)[1] I circulate the attached note, prepared in the India Office, on the "All-India Forward Bloc".

P-L.

The All-India Forward Bloc

On May 1st 1939, after Subhas Chandra Bose had resigned from the post of President of the Indian National Congress, he and his followers formed a party designated the Forward Bloc. The object of this party was to rally within Congress all the Left Wing and anti-Imperialist elements. The new party claimed to be part of the Congress and to accept the Congress creed, policy and programme, together with Gandhi's doctrine of non-violence, but it declared at the same time that it would not necessarily have confidence in the existing Congress high command. Subhas Chandra Bose was elected President and it was decided that there would be two organisers in each province. It was also arranged to inaugurate the Forward Bloc on an All-India basis at the next session of the All-India Congress Committee to be held in June 1939. In the meantime arrangements were made to enlist four thousand volunteers and to raise a lakh of rupees.

2. In the last week of June 1939 the first All-India Forward Bloc Radical Conference was held at Bombay. A draft constitution (Appendix A) providing for an All-India Council, a Working Committee and an annual session of the Forward Bloc was accepted and the appointments of Subhas Bose as President and Sardul Singh Caveeshar among other office-bearers were announced.

3. Although the Bombay Conference was claimed to be a great success, it became apparent that Bose had not succeeded in enlisting the real support of the Socialists, the Communists or the Communist group led by M. N. Roy. In August 1939 the Congress Working Committee disqualified Bose as President of the Bengal Provincial Congress Committee and debarred him from membership of any elective Congress Committee for a period of three years.

[1] No. 33.

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4. After the outbreak of war in September 1939, the Working Committee of the Forward Bloc met in Calcutta and passed various resolutions strongly criticising the Congress Working Committee, and a "presidium" of the Forward Bloc was set up to organise Provincial Forward Blocs and to initiate a propaganda campaign against Gandhi and the Congress Working Committee. Nothing, however, came of this move.

5. Despite the growing tendency by 1940 towards an extremist policy on the part of Gandhi and the Congress generally, Bose, suspecting that Congress favoured a compromise, organised an Anti-Compromise Conference. In this he was powerfully supported by the Kaisan Sabha leader, Swami Sahajanand. The Conference passed a resolution maintaining that internal and external conditions were ripe for a successful revolution, and adding that it was the leaders, and not the Congress, who were unprepared for a fight. On 19th March 1940, the Forward Bloc Working Committee decided on an All-India Council of Action. In April 1940, Sahajanand, one of its members, was arrested in Bihar and this, together with the previous arrest and imprisonment of twenty-three revolutionaries of the Bengal Volunteer Group (who for organisational purposes were counted as members of the Forward Bloc) seriously weakened the Forward Bloc organisation. The Forward Bloc Working Committee, however, met in Calcutta in May and passed various resolutions urging among other things the formation of a Citizens Defence Corps and the continuation of an anti-Imperialist struggle by means of vigorous propaganda among the masses. In the same month, at a secret meeting, Bose declared that the British were bound to lose the war and that their administration in India would collapse. Bose's speeches during this period when the German armies were overrunning North-West Europe became exceedingly seditious and his articles in his weekly journal *The Forward Bloc* were couched in such highly objectionable terms that in May 1940, the security of this paper was forfeited by the Bengal Government.

6. In June 1940, at party meetings held in Calcutta, Bose decided to inaugurate a struggle for the demolition or removal of the Holwell Monument. (This is the monument erected in Calcutta to the memory of the Europeans murdered in the Black Hole of Calcutta. Its removal by, or at the instigation of, Indian nationalists was reckoned as a symbolic victory). The result of this was that Bose himself was arrested on the 2nd July and interned.

7. With Bose off the stage, the party showed signs of disintegration. As a result of internal rivalry his nephew, Dwijendra, was suspected of endeavouring to establish a new group with Subhas and Sarat Bose as dictators, and the All-India Youth League accused the Forward Bloc of inactivity. By January 1941, when Subhas Bose disappeared from India, the Forward Bloc was in a state of disorganisation except in Bengal. In that province, however, rumours soon

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spread that Subhas Bose was in touch with Britain's enemy and would reappear to lead a revolt at an opportune time. Consequently members of the All-India Youth League, as well as various terrorist parties in Bengal, began to behave as if they expected a call for action from him. A dangerous determination became noticeable to do everything possible to spread sedition and hatred of the British and to strengthen the terrorist organisations so that they would be ready when the call came. At a Committee meeting held in Calcutta in May 1941, S. S. Caveeshar, Acting President of the Forward Bloc, expressed his approval of the step taken by Bose in leaving India for a "friendly" foreign country. Subsequently, with the arrest of certain of its leading members and terrorist components in Bengal, the Forward Bloc in Bengal was reduced to the level of a secret organisation.

8. In the latter part of July 1941, the Working Committee of the Forward Bloc met in Delhi whither the office of the Bloc had been moved from Calcutta in April 1941. Resolutions were passed condemning Gandhi's individual satyagraha movement and the policy of non-violence, and demanding the establishment of a National Government unfettered by Imperialistic domination. The Working Committee, however, were somewhat split by the entry of Russia into the war. The majority held that international developments should be altogether disregarded and the Bloc should continue to concentrate on the Indian independence issue.

9. In January 1942, the Working Committee of the Forward Bloc met at Wardha and resolutions were passed praising Subhas Chandra Bose and advocating a programme of immediate mass action, and a decision of the Congress Working Committee to discard non-violence as a universally valid creed was applauded. A resolution which declared that the new Ministries in Bengal and Orissa should be supported by the Forward Bloc was of some significance in view of the geographical position of these two provinces in relation to the possible Japanese invasion of India. A new All-India Working Committee was appointed under the presidency of Sardul Singh Caveeshar.

10. In March 1942 the Government of India decided to take effective action to cripple the Forward Bloc. Although since the disappearance of Subhas Chandra Bose and the detention of Sarat Bose, the organisation had lost much of its importance, yet credible evidence was accumulating of the pro-Axis predilections and revolutionary plottings of the remaining leaders. Consequently there was a real danger of the organisation acting as the spearhead of a fifth column movement should an Axis invasion of India occur. Subhas Chandra Bose was now generally admitted to be in Berlin, and reliable information obtained outside India showed that he and his party were regarded as allies by our enemies. Leading members of the Forward Bloc were therefore

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arrested throughout India and in June 1942 the Government of India proscribed it under the new Defence of India rules (Rule 27A), i.e. on the ground that it was an organisation "the persons in control of which have had association with persons concerned in the Government of States at war with His Majesty". It should be noted that this action differed from that taken against the Congress organisations in 1942, which were banned under the Criminal Law Amendment Act as "unlawful organisations".

11. That the Bloc continued, however, to harbour violent and terroristic intentions is made clear from correspondence in code which was intercepted in May 1943. This correspondence showed that a meeting was to have been held in Bombay for the stated purpose of taking "decisive action". According to these messages, the intention was that the Forward Bloc should seize power on behalf of the Indian National Congress by taking advantage of the situation in Assam and Bengal, establishing contact with the Japanese, sabotaging the war effort and organising simultaneous uprisings in different parts of the country including Bengal, Orissa, Bihar and the Central Provinces. Secret information received earlier had suggested that, prior to the Japanese entry into the war, Japanese sponsored agents had been sent to India: and that control of these agents was vested in the Forward Bloc. All these plans were, however, nipped in the bud by the arrest in May 1943 of a number of leaders and workers of the Bloc. The investigations which followed showed that they had set up the nucleus of an organisation engaged in plotting armed revolt with the avowed object of assisting the enemy to invade India.

12. Subhas Bose escaped from house detention in Calcutta in January 1941 and made his way secretly to Germany where he set up an Indian Legion—subsequently incorporated in the German Army as the 950th Regiment—and embarked on other activities to assist the enemy. In February 1943 he made his way by submarine to Japan, organised an Indian National Army of some 80,000 strong and established a so-called Provincial [Provisional?] Government of India with headquarters at Singapore. His activities in the Far East included the dispatch by submarine and other means of secret agents into India on a considerable scale and there is quite certain evidence that these agents had instructions to make contact with individual members of the Forward Bloc. Fortunately, however, these attempts, which continued almost up to the Japanese surrender, were, unknown to Subhas Bose, frustrated by the authorities in India.

13. The question whether the ban on the Forward Bloc should now be removed, having regard to the grounds on which it was banned under Defence of India Rule 27A and to the surrender of Japan, is at present being considered with Provincial Governments. Owing to the close connection between the

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Forward Bloc and the "Indian National Army" (of which Subhas Bose was the Commander-in-Chief) the question requires very careful consideration. Confirmation is still awaited of the recent Japanese report of the death of Bose in an aeroplane accident.

Appendix "A" to No. 81

DRAFT CONSTITUTION

(1) This organisation shall be called the Forward Bloc.
(2) The Forward Bloc is an organisation within the Indian National Congress which is to serve as a common platform for all the left elements inside the Congress.
(3) The aim of the Bloc is the same as that of the Indian National Congress i.e. "the attainment of complete independence by all legitimate and peaceful means."
(4) Membership of the Bloc is open to all primary members of the Congress who subscribe to the programme of the Bloc.
(5) The All-India Council of the Forward Bloc shall consist of all the members of the All-India Congress Committee, who subscribe to the programme of the Bloc. They have the right to coopt additional members not exceeding one-third of the total strength of the Council.
(6) The Provincial, District and other subordinate Councils of the Bloc shall consist of the members of Provincial, District and other subordinate Congress committees respectively who subscribe to the programme of the Bloc. These Councils will have the right to coopt additional members whose number shall not exceed one-third of the total strength, provided however that the strength of a Council shall be at least five and the above restriction in respect of the number to be coopted shall not operate against this provision.
(7) The All-India Council will elect the following office-bearers—one President, two Vice-Presidents, one General Secretary, four Secretaries and one Treasurer.
(8) The Councils excluding the All-India Council may function as the executives of the Bloc or may elect small Working Committees from amongst their members.
(9) The Working Committee of the All-India Council shall consist of the office-bearers of the Council and fifteen other members to be elected by the Council amongst the members, provided that for the current year the President is authorised to appoint the office-bearers and members of the All-India Working Committee.
(10) The formation of the Councils and election of office-bearers and Working Committees shall take place as soon as practicable after the

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election of the various congress committees. (This clause will not apply to the formation of the Councils and election of office-bearers and Working committees for the current year.)

(11) The All-India Council may take such steps as may be necessary in order to bring about coordination between the Bloc and any left group or groups in the Congress that may not join the Bloc for the present. Such coordination should aim at complete consolidation and unity of all left elements and groups in the Congress.

(12) After the enlistment of primary members of the Bloc the organisation of the Forward Bloc and the elections thereto should take place generally on the lines of elections to the various Congress committees. The rules as to the details of election shall be determined by the All-India Working Committee.

(13) The Annual session of the All-India Conference of the Forward Bloc or in its absence the All-India Council of the Forward Bloc will have the authority to amend the constitution; in the case of the latter the two-third[s] majority will be required for adopting an amendment.

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Cabinet

India and Burma Committee. Paper I.B (45) 6

L/P&J/10/20: ff 116–18

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *31 August 1945*

I circulate for the consideration of my colleagues the attached note by Lord Wavell.

P-L.

NOTE BY THE VICEROY ON PAKISTAN

The draft declaration of 1942[1] proceeded on the assumption that partition would in the last resort provide a solution of the Hindu–Muslim question. Is that assumption sound?

2. Jinnah expects to secure for Pakistan the following Provinces, subject to territorial adjustments:

North West Sind; Baluchistan; North-West Frontier Province; and the Punjab.

North East Bengal and Assam.

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There is no indication that Jinnah would accept any but minor territorial adjustments.

According to Jinnah the fate of the Provinces must be settled by a plebiscite of Muslims only.

3. Before His Majesty's Government announce a policy based on the 1942 offer they should show:

(a) what territorial adjustments they would contemplate in the absence of agreement, and

(b) whether the option would be decided by general plebiscite or by Muslim vote only.

4. A decision on (a) would be exceedingly difficult, particularly in the Punjab and Bengal.

Punjab: Two of the five divisions have no single district with a Muslim majority. The population of the Punjab is:

Muslims . .	16·2 millions
Hindus and others	12·2 millions
Total	28·4 millions

It would be unjust to give 16·2 million people the right to settle in perpetuity the future of another 12·2 millions. The Province consists of—

(i) A predominantly Muslim area in the west;

(ii) A mixed area in the centre, and

(iii) A predominantly non-Muslim area in the east.

If a dividing line on a communal basis were to be demarcated it would probably have to come between the two important cities of Lahore and Amritsar, which are only 25 miles apart. Much important Sikh country would still remain in the Muslim area.

On a plebiscite of the whole population, the Punjab would quite possibly not vote for Pakistan.

Bengal: Population—

Muslims . .	33 millions
Hindus and others	27 millions
Total	60 millions

[1] [Note in original:] The relevant part reads as follows: His Majesty's Government undertake to accept and implement forthwith the Constitution so framed subject only to:

(i) the right of any Province of British India that is not prepared to accept the new Constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides.

With such non-acceding Provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new Constitution, giving them the same full status as Indian Union, and arrived at by a procedure analogous to that here laid down.

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Here again it would be unjust to give the 33 million Muslims the power of final decision for the whole Province. It is open to doubt which way a plebiscite of the whole population would go, and though territorial adjustments might be less difficult than in the Punjab, the Muslim protests would be violent if Calcutta, which is a predominantly Hindu city, was not included in the Muslim portion.

5. Sir S. Cripps stated in a letter to Jinnah[2] that "a province should reach the decision whether or not to stand out of the Union by a vote in the Legislative Assembly on a resolution to stand in. If the majority for accession to the Union is less than 60 per cent. the minority will have the right to demand a plebiscite of the adult male population."

This proposal was rejected by the Muslim League in a resolution of the 11th April 1942.[3]

6. The intentions of His Majesty's Government and the nature of the secession safeguard which they are offering to the Muslim minority, will not be clear unless the points in paragraph 3 are dealt with by His Majesty's Government before the Constituent Assembly is set up.

7. The Governor of the Punjab in a recent letter[4] discussed the probable effect of what he called "crude Pakistan", i.e. Pakistan without considerable territorial adjustments. He said "Since my return from Delhi I have discussed the general situation with a wide variety of people, non-officials and officials, Indians and Europeans; the consensus of opinion is that if Pakistan becomes an imminent reality we shall be heading straight for bloodshed on a wide scale; non-Muslims, especially Sikhs, are not bluffing; they will not submit peacefully to a government that is labelled "Mohammedan Raj"."

8. I do not think there is at present any clear scheme of partition which can be announced by His Majesty's Government as their notion of the ultimate safeguard for the Muslims. Nor can such a scheme be prepared immediately and without consultation with Indian opinion.

W.

[2] See Annexure I to No. 37. [3] See Vol. I, No. 606. [4] No. 29.

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Mr Casey (Bengal) to Sir J. Colville

Telegram, Wavell Papers. Political Series, July–September 1945, pp. 75–7

MOST IMMEDIATE *1 September 1945*
SECRET

No. 274. Addressed to Viceroy, repeated to Secretary of State for India:—
Begins. Your telegram No. 1443-S[1] dated August 30th.

1. *Probable reactions.*—If statement is reiterated without modification I would expect it to be unfavourably received both by Hindus and Muslims.

2. Some sections of Congress may be (group omitted more?) reconciled than before to prospect of having to share power with other organisation but majority of Muslims do not believe in Congress willingness to share power effectively. Sentiment among Muslims have [has] hardened in favour of Pakistan and Hindus against it. I believe general election will still further crystallise these feelings. I believe that it may be misleading to draw conclusions from utterances of Nehru or Rajagopalachari either as to willingness to share power or as to Pakistan. I am told that Nehru has always given in to Gandhi when it came to the point and Rajagopalachari has been ousted from influence in Congress. Lord Wavell's great effort to secure a period of practical co-operation has unfortunately failed and reasonable hope that such a fulfilment would bring about a change in outlook and sentiment.

3. Although I believe general elections inevitable and right I do not believe that they will solve problem of outlook. Even if they prove that Jinnah has correctly gauged Muslim feeling Hindu feeling will not be reconciled. Congress might fight elections on issue of "quit India" and leave Congress to look after Muslims but they could not win Muslim seats on that issue and will only make feeling more bitter if they try.

4. I can well believe however that His Majesty's Government is obliged (and in any case determined) to take some positive action and I personally see no alternative to a repetition of the Cripps Offer provided that it is amended in light of experience. I believe that we shall do ourselves no good by remaining in India without being able to show any effective initiative either in long-term administrative or constitutional policy: when section 93 régimes terminate after general elections our influence over British India will be very small. The charge

[1] Passing on Lord Wavell's request as in No. 79, para. 4. Wavell Papers, Political Series, July–September 1945, p. 71.

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of exploitation however lavish will continue to afford material for marring British relations with U.S.A. at a time when closest co-operation is essential.

5. Nobody is prepared to alter main objective of offer (independence of India) and I do not see what we can gain by letting matters drift. But I believe modification in the light of experience is essential both as regards method of approach and proposed mechanism in order to diminish risk of serious internal violence in India as a direct result of His Majesty's Government's policy.

6. I believe that we should introduce rather more flexibility into Cripps Offer without if possible permitting an indefinite hold up.

7. I consider also that offer should make it quite clear—paragraph (*a*) that arrangements for transfer of Britain's obligations will (and that arrangements for safeguarding of purely British interests will not (repeat not)) be a condition precedent to independence. After all we hold a good security in form of London balances; paragraph (*b*) that Indian Army will in no case be transferred to Indian political or administrative control at the earliest until treaty for transfer of obligations is ratified by resulting Indian Government or Governments.

8. The specific modifications which I suggest are therefore—

9. *First.* I think redrafted offer should make it clear that complete process of readjusting British relations with British India will involve not one treaty but two. The "first treaty" would be one which arrangements [?arranges] for transfer of responsibility and consequently for protection of Minorities—in other words the hand over to same [?some] authority or other of existing obligations of Britain. It should be made abundantly clear that this treaty has nothing whatever to do with Britain's trade or other purely British interests; and that settlement of those interests (as distinct from ratification of first treaty) will not (repeat not) be a condition precedent to setting up of an independent Indian Union or Unions. In 1942 this most important point was I believe left for Cripps to bring out by way of explanation.

10. It follows that draft should also contain reference to second (British commercial and other interests) treaty to be negotiated with Indian Union or Unions when set up as independent States.

11. *Second*—Is an important alteration in mechanism. As draft reads the only unit that could option out of Union is a complete Province. I think more detailed and definite provision should be made for automatic holding of plebiscites all over Provinces potentially affected by "Pakistan" and in contiguous districts of other Provinces, after Constituent Assembly has prepared draft constitution. The offer should state that voting will be by adult enfranchised males and that figures will be separately recorded for each area

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(normally the district) and within that area separately for each of classes which have organised separate electorates: that resultant situation will first be considered by Constituent Assembly and that if representatives therein of majority and recognised Minority groups fail to agree on answer within a stated time His Majesty's Government would decide the matter.

12. It should be made abundantly clear that until final decision of this matter the Indian Army will remain under sole political control of His Majesty's Government.

13. The result of such plebiscites if shown on map in colour would be to produce an intelligible pattern based on district boundaries. It would then be a practical proposition for Indians to consider how far the communal problem could be settled—in the light of draft constitution produced by Constituent Assembly—by readjustment of boundaries whether of separate units within Union or units to be excluded from it. At this stage it might well be conceivable to appoint an international fact-finding commission which would review the possible solutions having regard to their economic and other aspects.

In the case of Bengal I believe that "Muslim bloc" would exclude Calcutta and industrial areas, Bilaspur [*sic*] (both of which may in any case require separate treatment) and Burdwan Division, while certain areas of Assam might be found included. The problem of Calcutta might find solution in its being made a "free port".

14. Summing up, the stages would be—

(*a*) Constituent Assembly proceeds to frame constitution. Muslims though elected may or may not co-operate at this stage but Hindus and other non-Muslims will have strong inducement to make constitution attractive to them;
(*b*) draft constitution is published;
(*c*) plebiscites are held and results published and considered by Constituent assembly;
(*d*) if within stated time limit after stage (*c*) representatives therein of recognised majority and minority groups do not agree on a solution His Majesty's Government will decide the matter and if necessary demarcate separate unions and establish Constituent Assemblies to frame constitutions for "separated" Unions;
(*e*) "first treaty" is negotiated with Constituent Assembly concerned;
(*f*) new Government assumes office according to new constitution;
(*g*) new Government ratifies "first treaty";
(*h*) new Government is recognized as independent;
(*i*) steps (*e*), (*f*), (*g*), and (*h*) are applied to "separated unions".

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15. The advantage of this method of approach would be—

(*a*) to impose a time limit but also;

(*b*) to guarantee time for examination and discussion of problems after everyone concerned had seen results of Constituent Assembly's work or —to use what I believe were Cripps' words—had "seen what kind of house they were going to be invited to live *in*". With such latitude for discussion in prospect the question as to what majority should determine the fate of an area should be left completely open at this stage.

16. Apart from merits of improved mechanism a change of this kind would I believe improve the whole method of approach because it would avoid confronting everyone concerned at outset with a fixed route from which he would have no means of retreat. It might also induce Muslims to go into Constituent Assembly if only for the purpose of registering their subsequent dissent after plebiscites.

17. Lastly it remains to consider whether anything could be put into offer in respect of Indian armed forces. Would it be possible without being misinterpreted to say that if creation of a single union proved impracticable an alternative object would be the creation of two or more unions enjoying it is understood same "independence" status *vis-à-vis* Britain but defended in accordance with proved necessities of modern world by an All-India and international force under political control of a guaranteeing power or powers in association with representatives of Unions.

18. I am not qualified to make any reference to Sikh–Muslim problem but I appreciate from discussions at recent Governors' Conference the reality of anxiety on that account.

19. I am repeating an advance copy to London for Lord Wavell's personal information.

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Entry in Mr Casey's Diary (Extract)

Photo. Eur. 48/4

1 September 1945

I asked Nazimuddin many questions about Pakistan. Very little has been discussed or worked out by them. Jinnah apparently takes the point of view that if he puts up any concrete proposals at this stage they will merely be torn to pieces. He quotes the analogy of Burma—regarding which a decision (to separate it from India) was taken first and then the details were worked out.

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Nazimuddin is clearly afraid that if the decision to ask for a plebiscite in Bengal (or Assam) is left to the respective Provincial Assemblies, it may be beaten through the Hindus buying over Muslim members. He has the idea that if 2/3rds of all the Muslim members of the Constituent Assembly desire that there should be a plebiscite in a stated list of Provinces, then such plebiscites should take place.

He admits that it would be difficult to include the Burdwan Division in Bengal–Pakistan.

I said that I thought it would also be extremely difficult for Calcutta to be so included—and I suggested that it might be treated as a "free port", between Pakistan and Hindustan.

He grumbled a good deal at this.

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Sir J. Colville to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 32 *2 September 1945*

Wavell will have told you all the Indian news up to the date of his departure, but I think I should keep up the series of private letters to keep you informed of what has happened since I took over on 25th August.

2. We had a special meeting of Council on Monday, 27th August, to consider three points raised by the Commander-in-Chief—the treatment of the returned I.N.A. men, the use of Indian troops on occupational duties, and the Commander-in-Chief's demobilization plan. Council accepted the revised communiqué on the first item which you had already seen in draft.[1] On the second item they agreed that we might place anything up to 12 Divisions at His Majesty's Government's disposal, but stipulated that our responsibility for provisioning (excluding provision of articles peculiar to India, and tentage) should be limited to six months. On the third item the Commander-in-Chief's plan involves the demobilization of about 900,000 men by the end of May 1946, beginning with the recruits now under training. As every man will get leave when he returns to his home, the period allowed does not seem too short, but the Labour Member was anxious that the plan should not be too rigid and that progress should be carefully watched. The Commander-in-Chief agreed to this and Council approved the plan.

[1] See Nos. 17, 32, 48 and 60.

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At the ordinary routine meeting on Wednesday, 29th August, the only important item was a "Labour Charter" propounded by Ambedkar largely on the basis of the aims agreed upon by the International Labour Organization. Unfortunately the Members mainly concerned with industry could not be present and after some general discussion we held the proposal over for consideration at a later meeting.

3. Firoz Khan Noon has been a little troublesome about his resignation. As you know, he was anxious that it should not take effect until the 15th September because he had various matters in his department that he wished to clear up. At the same time all his friends were aware that he intended to resign and we had to make the announcement on 30th August to forestall press speculation which was already beginning. Firoz Khan Noon then summoned a Press Conference for Monday, 3rd September, at which he proposed to make a statement of his political faith and intentions. I told him that this would be most improper and that he must not return to active party politics until he had left office. He was at first inclined to argue, but I made it clear to him that the only alternative was to arrange for him to go out of office before the Press Conference. He then cancelled the conference and will, I hope, do nothing indiscreet until his time as a Member is up. I am giving a small lunch party for him and his colleagues tomorrow to sweeten things.

4. There have been no developments of any importance in politics. Some sitting Members of the Assembly are disappointed at the omission of the Autumn Session and there is some criticism of the state of the provincial electoral rolls. In all the Provinces except Madras (where rolls are revised at irregular intervals) the rolls have to be revised after stated periods and remain in force after revision until the next revision is due. Thus it is legally possible to hold elections on rolls which may be nearly three or five years old according to the Rules in force in the Provinces. Normally when elections are foreseen special revisions of the rolls are made, but they take a very long time, and the alternatives before us on this occasion were either to hold the elections this winter or to postpone them for a year. Governments and candidates are strongly opposed to elections in the summer months when rural travelling is uncomfortable, and may during the rains even be impossible in some parts of India. The Governors will do their best to improve the rolls by *ad hoc* amendments which are allowed under the rules. Otherwise we must put up with their incompleteness, though I anticipate a fair amount of criticism on this score.

I do not think you have had a report of the Session of the All-India Committee of the Hindu Mahasabha which took place at New Delhi just before Lord Wavell left. The Committee threatened "direct action" against the British Government and the Congress to secure the rights of the Hindus in any political settlement. I understand that this intention has since been abandoned.

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It also passed resolutions condemning the Section 93 régime in Bengal, a subject on which Shyama Prasad Mookerjee feels very strongly, and decided that members of the Mahasabha must renounce titles given by the British. Sir Gokal Chand Narang, a former Punjab Minister, has written saying that he renounces his Knighthood and his letter has, in accordance with precedent, been referred to the India Office. A less important member of the organization in Sind has informed the Governor that he wishes to renounce an Indian title. So far there have been no other repercussions.

It now seems that Gandhi's threatened fast or fasts may be concerned with the Scheduled Castes. Nobody seems to know what is in Gandhi's mind, but it is not impossible that he will go to extremes to keep the Scheduled Castes within the Congress fold.

Liaqat Ali Khan has issued a long statement including what purports to be the text of the pact between him and Desai. He explains that the initiative was taken by Desai and that the alleged pact was no more than a statement of Desai's own proposals; but nobody is very much interested in this matter now.

Wild speaking by Congress leaders continues and Nehru made several long pronouncements during his recent short stay in Delhi. He is still much concerned with the 1942 disturbances, for which he feels that Congress should take the credit though not the responsibility. He is also anxious about Bose and the I.N.A. It seems that he wishes Congress to contest the elections seriously, but he said in one of his Delhi speeches that the party organizers would probably not take part. This may mean that as before, the Congress High Command will avoid office and direct responsibility, and give orders to the Provincial Ministries.

Bose has come in for much praise as a national hero, and the nationalist press is suggesting that under international law Bose and his followers are entitled to all the honours of war and are not liable to punishment. This has, I believe, rather disgusted the Americans and only one American correspondent is said to have attended Nehru's Press Conference here.

5. The next meeting of the National Defence Council takes place early in October and Wavell was considering before he left whether it should be the last. He consulted the Governors, and all think that the Council should now be wound up. The Nawab of Bhopal who attended meetings as Chancellor of the Chamber of Princes, is of the same opinion. Wavell may mention the matter to you while he is at home.

6. The monsoon seems to have been stronger both in Bengal and in Bihar during the past few days, and according to his latest report[2] Casey thinks that the *aman* crop in Bengal may be 80 per cent. of normal. We are still very anxious to get rice from Burma as soon as we can as our food situation is still

[2] L/E/8/3541.

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uncomfortable and a renewal of supply from Burma would do much to establish and maintain confidence. The Food Department here thinks that Casey's estimate may be over-optimistic and we shall not know what the crop is really going to be like for a long time yet.

[Para. 7, on a financial concession for Sir P. Spens; and para. 8, on trouble experienced by Afghanistan from its tribesmen in the Kunar Valley, omitted.]

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Sir J. Colville to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, July–September 1945, pp. 78–9

MOST IMMEDIATE *2 September 1945*
PRIVATE
SECRET

No. 1468-S. For Viceroy from Acting Viceroy. Your private telegram No. 468[1] of 29th August. Following is summary of opinions received.

2. *Hallett* believes party reactions would be the same as in 1942 (see Coupland Volume two,[2] page 279). Congress would be particularly concerned about States, and objections of other parties would be stronger than they were three years ago. He thinks Muslim League will win great majority of Muslim seats in United Provinces and probably elsewhere, and that Pakistan has become something like a religious creed. Inclusion in offer of statement that if any body refuses to co-operate His Majesty's Government will go ahead without it might be regarded as threat to Muslims and surrender to non-co-operation and rebellion by Congress. Immediate long-term solution seems impracticable and if Cripps offer must be restated Hallett advises omission of clause (*d*) which he regards as weakest part of 1942 plan. Instead His Majesty's Government should say that they would leave it to new Governments formed after elections to decide on composition of Constitution-making body, and should undertake to accept their decision provided it did not affect His Majesty's Government's obligations to minorities, to the services (including the Army), and to the States. Clause (*e*) of Cripps offer should stand, for co-operation between parties both at Centre and in Provinces affords best and perhaps only hope of long-term solution.

3. *Hope* considers that restatement of Cripps offer would be acceptable to Congress and Hindus in Madras and anticipates no (repeat no) unfavourable reactions.

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4. *Glancy* thinks offer contemplated will intensify communal friction and increase danger of serious trouble in the Punjab. He suggests two palliatives. *First* that to reassure non-Muslims and demonstrate to Muslims the suicidal folly of Pakistan Cripps offer should be clarified so as to make it plain that a "Province" wishing to stand out does not necessarily mean a Province as now delimited, but that when the majority of the inhabitants of a large area, e.g., a Division are against separation such area will be free to remain within the Union. He has in mind Jullundur and Ambala Divisions and Amritsar District in Punjab and similar areas (e.g., Calcutta) in Bengal. *Secondly* to reconcile Muslim League to saner solution announcement should include direction to Constitution-making body to provide for satisfactory representation for all communities and for safeguards for their protection. He thinks communities aggrieved by legislation or executive action which they regard as discriminatory should have right of reference to Federal Court.

5. *Casey* has repeated to you his telegram No. 274[3] of 1st September.

6. *Corfield* thinks that the States would demand a preliminary assurance that their Treaty Rights would be protected, and a clear indication of the method by which this would be done and any essential treaty revision carried out. They would expect complete freedom to nominate their representatives to the Constitution-making body without pressure from His Majesty's Government and without reference to any communal formula. They would not commit themselves nor permit their representatives to commit them until they could see the new Constitution as a whole. Given satisfactory decisions on these points a number of States would probably take part in the discussions. But if a major British Indian party abstained some of the larger States, e.g., Hyderabad and Kashmir might also abstain, and if the discussions resulted in a Constitution acceptable to only part of British India it would be difficult to persuade any State to accept it. Corfield emphasises that the States must be taken into our confidence before any announcement affecting them is made, and that the announcement must contain assurances about Treaty Rights.

7. My views and comments are in immediately succeeding telegram.

[1] No. 79. [2] See No. 54, note 4. [3] No. 83.

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Sir J. Colville to Field Marshal Viscount Wavell

Telegram, Wavell Papers. Political Series, July–September 1945, pp. 79–81

MOST IMMEDIATE *2 September 1945*
PRIVATE
SECRET

No. 1469–S. For Viceroy from Acting Viceroy. My immediately preceding telegram. Following are my views and comments.

2. Proposals in your No. 468[1] which are less precisely stated in draft contained in your No. 19377[2] are revival of Cripps Offer *plus* additional announcement that if any party abstains from joining electoral college or constitution-making body His Majesty's Government will go ahead without them.

3. As Governor Bombay I would from provincial standpoint take much same view as Hope and same view may prevail in C.P. and Orissa. But All-India position needs far more careful consideration.

4. I believe Congress as a whole would now accept original Cripps Offer. Proposed addition would make it infinitely more acceptable to them for it gives them opportunity of securing real power at the Centre and at the same time of disposing finally of Muslim League.

5. Non-Muslim minorities should take same stand as in 1942, except that if Muslim League abstained Sikhs would come in to secure support of Congress and later of His Majesty's Government against Muslims. States are more concerned with their treaty rights than anything else and would sit on fence until last possible moment.

6. Muslim League would unhesitatingly reject original offer. Apart from 1942 objections, right of Provinces to stand out is meaningless from League's point of view, as it could not (repeat not) be exercised in Punjab or Bengal except with support of other communities which would certainly not (repeat not) be forthcoming. Proposed addition would make offer even less acceptable to Muslim League. It would be regarded as direct threat to League and as negation of Pakistan.

7. His Majesty's Government must in my opinion consider very carefully where immediate announcement on lines proposed may lead them. It would give Jinnah powerful rallying cry for elections, which would appeal to Muslims generally and not merely to League. If Muslim League win great majority of Muslim seats in Provinces and Jinnah orders his followers to abstain from joining electoral college and constitution-making body, His Majesty's Government

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will be pledged to accept and enforce a constitution propounded by Congress with doubtful assistance of States representatives. Before time for enforcement comes Provinces would be given opportunity of standing out, but League would not (repeat not) accept general plebiscite in Muslim majority provinces and would probably *either* challenge His Majesty's Government to impose constitution by force *or* demand plebiscite of Muslims only which comes to much the same thing. His Majesty's Government would then be faced with the alternatives of breaking their pledge or coercing the Muslims in the provinces in which they have a majority. By this time nearly all Muslims might be solidly behind Jinnah, and there would be increasing communal tension especially in Punjab. We might be obliged to employ British troops on large scale to restore and maintain order.

8. I doubt if the four Governors and Political Adviser have appreciated extreme importance of immediate reversal of settled policy that solution can be only by agreement of the major parties. Only Hallett and Corfield deal with the point and that incidentally. Hallett recommends reversion to something like Simla proposals which I am sure Jinnah would not accept. Hope's opinion is concerned with Madras only. Glancy is perhaps more concerned with immediate outlook in Punjab and neither of his palliatives is of much practical value. Casey's solution is ingenious but is open to objections set out in preceding paragraph. I do not think he has ever seen difficulty of imposed solution and time limit would serve to focus Muslim agitation. Muslim League would not (repeat not) be attracted by plebiscite on draft constitution on lines proposed by Casey. The Gandhi–Jinnah talks made this quite clear.

9. His Majesty's Government may in the end be obliged to impose a solution on India. They cannot (repeat not) accept Jinnah's idea of Pakistan, nor can they continue indefinitely as at present. But any imposed solution must command the agreement of considerable sections of all major parties and would require the most careful preparation. What His Majesty's Government now want to do would solidify the Muslims in favour of Pakistan and involve us in a commitment the consequences of which are quite unpredictable. I much prefer something on the lines of your No. 467[3] of 28th August. I believe if London Conference were held it might be possible to confront Jinnah privately with facts of Pakistan marshalled by someone who is completely impartial and of unassailable intellectual eminence. I cannot but think that this would cause Jinnah to realise that His Majesty's Government could not possibly accept his entire plan and that he must compromise.

[1] No. 79.
[2] Of 1 September. The draft was an amended version of that in Annex to No. 78. Wavell Papers, Political Series, July–September 1945, p. 72.
[3] This draft was similar to Annex to No. 78. *Ibid.*, p. 68.

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Cabinet

India and Burma Committee. Paper I.B. (45) 7

L/P&J/10/20: ff 109–10

INDIA

MEMORANDUM BY THE POSTMASTER GENERAL

GENERAL POST OFFICE, E.C.1, *3 September 1945*

A. *The Long Term Constitutional Issue*

The Cripps proposals remain our governing obligation. The White Paper (Command 6652) states "that the offer of March 1942 stands in its entirety without change or qualification" and subsequently we pledged our adherence to this policy at the General Election.

These proposals cannot be implemented until they are agreed by the Moslems and Hindus in British India and by the Indian States. It would contradict the principle of self-government if the future of many millions in India were decided, in the absence of their representatives, by other unauthorised persons.

But according to Lord Wavell and his advisers the Moslems will boycott a constituent assembly unless we accept Pakistan, while to concede this claim to Jinnah would lead to a boycott by the Hindus. I conclude that at this moment the long term constitutional issue has reached another impasse. All we can now do is to ask Lord Wavell to make another effort to gain acceptance for the Cripps proposals, or for a practicable alternative, after the Provincial Elections.

In the meantime we should convince public opinion at home and in India that we are not holding back by announcing our intention to take immediate further action to prepare the ground for self-government.

B. *Further Interim Measures*

(1) Promotion of British India to Dominion status in her foreign relations. This would mean the transfer of external affairs to an Indian member of the Viceroy's Council, and full diplomatic status for Indian missions in foreign capitals.

(2) The immediate appointment of a British High Commissioner of ex-Cabinet rank to open negotiations with the Government of India for a commercial treaty to replace the provisions of Sections 111 to 117 in Chapter Three of the Government of India Act 1935.

(3) The fixing of Terms of Reference for a Committee of Officials to prepare the content of a treaty to be negotiated with India.

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(4) The amendment during the next Session of Parliament of the Government of India Act 1935 so as to omit Sub-section Three from the Ninth Schedule. This would open the way to the appointment of an all Indian Executive Council at the earliest possible moment, by dispensing with the statutory requirement that three of its members must be Government servants of ten years standing.

(5) Acceleration of the pace at which we are Indianising the Indian Army with special reference to the advantages of secondment as compared with permanent commissions for the intake of British officers during the post-war period.

L.

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Cabinet

India and Burma Committee. Paper I.B. (45) 8

L/P&J/10/20: ff 113–14

Indian Political Situation

MEMORANDUM BY THE PRESIDENT OF THE BOARD OF TRADE

BOARD OF TRADE, MILLBANK, S.W.1, *3 September 1945*

I should like to put forward the following proposals for dealing with the immediate Indian situation:

(i) Provincial elections have already been announced. In this connection specific instructions should be sent to all Governors to take the greatest possible care to see that the registers are fairly and fully compiled.

The question as to the right of those who have been in prison and are now released both to vote and stand as candidates must be considered and if necessary legislation must be passed before the elections to enable such people to stand as candidates. Otherwise, we shall lose, perhaps, many of the best and most influential leaders.

All restrictions upon political activity must also be removed, such as the banning of organisations, etc. etc.

(ii) It should be announced forthwith that it is the intention of H.M. Government to base a constituent assembly upon the provincial elections. Attention should be drawn to the method suggested in the offer of 1942 and it should be stated that the Viceroy will be prepared to decide upon any variation of that method put forward by agreement of the Indian Party leaders.

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As soon as the results of the Provincial elections are published, steps should be taken to form the constituent assembly, failing agreement otherwise, by the method of the 1942 offer.

(iii) In the meantime as the existing Executive Council is unsatisfactory the Viceroy should announce his intention to reconstitute it for service until such time as the new constitution is formulated.

In this new executive should be included an Indian Finance member, and an Indian Foreign Affairs member as well as an Indian Defence member.

The Commander-in-Chief would retain his seat on the executive and would be the only other Britisher apart from the Viceroy.

The new executive should be chosen by the Viceroy *without* consultation with the various communal parties.

It should aim at being as representative as possible of the broad Indian masses and not so largely of the industrial and financial and landlord elements as in the past. At the same time a communal balance should be preserved.

When the list has been made up the Viceroy should summon the various individuals, show them the list and ask them if they are prepared to serve. If any refuse their refusal should be subsequently published, and the best alternatives must be appointed in their place.

(iv) At the same time it should be stated that the Indian Government will appoint its own ambassadors and Ministers in future and that a British High Commissioner will be appointed to India.

(v) It should also be made clear that for the present the relationship with the States will be the exclusive province of the Viceroy but that if the States come into the constituent assembly they will of course be free to vary their relationships with British India in any way then agreed upon.

R. S. C.

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Cabinet

India and Burma Committee. Paper I.B. (45) 9

L/P&J/10/20: ff 101–3

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *3 September 1945*

1. In the light of the discussion at the last meeting of the Committee[1] I have had further discussions with Lord Wavell in the hope of reaching agreement

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upon the draft of a declaration which would meet the general view of the Committee and be agreeable to him. Unfortunately we have not succeeded.

2. The fundamental difference which remains is that the Committee favoured an announcement which would say now that in default of an agreed alternative a constitution-making body on the 1942 lines would be convened after the Provincial elections, whereas Lord Wavell is convinced that we should not go further now than to say that discussions will be held with Indian leaders after the elections to discover whether the proposals in the 1942 declaration are acceptable in their entirety or what modifications are required, and that it is the desire of His Majesty's Government that a constitution-making body shall commence its deliberations before the end of 1946.

3. Lord Wavell's views are stated in a note which I am circulating as a separate paper (I.B. (45) 10).[2] He has emphasised to me in conversation (1) that in his opinion it is essential that the details of Pakistan should be fully before His Majesty's Government before they are further committed to it and (2) that his view represents his considered advice to His Majesty's Government after consulting by telegram some of his principal advisers including the more important Governors.

Attached to this paper[3] is the draft of a statement which Lord Wavell suggests that His Majesty's Government should authorise him to make. This is a modified version of the draft considered at the last meeting of the Committee, and goes as far as Lord Wavell considers wise at this stage.

4. I attach as an Appendix to this paper[4] the draft of an announcement which I prepared to meet the views of the Committee at its last meeting. This I hoped would meet Lord Wavell's difficulties on subsidiary points but he was unable to accept it because it preserves the statement that a constitution-making body based on the main 1942 proposals will be convened in default of general agreement on some other proposal.

5. The following five subsidiary points seem to me to emerge from the Cripps scheme as requiring further investigation by His Majesty's Government:—

(1) The precise method of election of the Constituent Assembly.
(2) The precise nature of the areas which are to have local option.
(3) The precise method by which the decision as to non-accession should be taken.
(4) The precise method by which Indian States are to select their representatives to the Constituent Assembly, i.e. whether State by State or by collective choice.

[1] No. 78. [2] No. 91. [3] i.e. Lord Wavell's note in No. 91.
[4] i.e. the present memorandum.

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(5) In what way the provision in C(i) of the 1942 Declaration is to be implemented in the case of a Province which opts not to join any Federation.

6. On the first of these five matters I see certain objections to the method proposed in the Cripps Plan the chief of which is that there will be no representation of the Provinces as such and that, in fact, a Province might not have a single one of its representatives in the Constituent Assembly. On the second, the Viceroy has certain views which are already before the Committee on the selection of the Province as the unit concerned (particularly in the Punjab). On the third, I should not wish to be committed to the details of the offer made to Mr. Jinnah and to the other leaders on the method of conducting the plebiscites, which of course they did not in fact accept. The other two points are matters which must clearly be defined by His Majesty's Government before long.

7. If we make a general announcement of the kind proposed in the Appendix to this paper there is likely to be an immediate demand from Indian politicians for elucidation of all the above points but particularly of the first two. The second in particular is a crucial matter for all parties during the forthcoming elections. The Muslims will demand to know whether the option is to be exercised on a provincial basis and whether the plebiscite is to be by the Muslim population as they demand. The implication of the announcement clearly is that the majority decisions of the constitution-making body will be implemented and we shall be forced to define in detail what we are proposing. This will be a difficult task and will be easier to discharge successfully if the Viceroy first consults leading Indians.

8. The Committee and the Cabinet are clearly faced with a serious and most difficult decision. I appreciate the desire of my colleagues for a definite announcement now. I feel, however, myself that the Viceroy's draft declaration would be sufficient earnest of our intentions until the provincial elections have been held. We are all agreed that no Constituent Assembly can be convened until they are over. The Viceroy's judgment is that we shall make more progress in the long run on the basis he proposes. From the purely Indian point of view I cannot see that the declaration proposed by the Viceroy ought to be regarded in any sense as a retreat. On the contrary it is a reaffirmation with the necessary safeguard that in the unknown future of seven months hence we shall take Indian opinion once more into account. While I am aware that the danger of taking no action may often be greater than that of taking action I cannot refuse to face the dangers envisaged by the Viceroy. In short I should not myself assess the difference between our own proposal and what the Viceroy is willing to do as of sufficient substance from the point of view of world opinion and opinion at home to justify us in rejecting the Viceroy's considered views.

P. L.

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Appendix to No. 90

DRAFT OF ANNOUNCEMENT PROPOSED TO BE MADE BY THE VICEROY AFTER HIS RETURN TO INDIA

As stated in the gracious Speech from the Throne at the Opening of Parliament, His Majesty's Government are determined to do their utmost to promote in conjunction with the leaders of Indian opinion the early realisation of full self-government in India. They stand by the declaration made by their predecessors in 1942 which recognised the essential right of Indians to frame their own constitution subject to (1) a right of non-accession and (2) the conclusion of a treaty with His Majesty's Government. During my visit to London the appropriate steps to be taken to carry out this purpose have been discussed.

An announcement has already been made that elections to the Central and Provincial legislatures, so long postponed owing to the war, are to be held at an early date. Thereafter, His Majesty's Government earnestly hope that ministerial responsibility will be accepted by political leaders in all provinces.

In default of general agreement on any alternative proposal the members of the new Provincial assemblies will be invited to elect a constitution-making body to which the Indian States will also be invited to send representatives. The basis will be that of the 1942 declaration subject to any minor modifications which may commend themselves.

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India and Burma Committee. Paper I.B. (45) 10

L/P&J/10/20: ff 104–6

MEMORANDUM BY SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *3 September 1945*

I circulate for the consideration of the Committee a note by the Viceroy.

PETHICK-LAWRENCE

I am quite clear, after careful consideration and consultation by telegram[1] with the Governors of the principal Provinces of India, and with my Political Adviser regarding the Indian States, that to re-state the 1942 offer and to attempt to impose a Constitution Making Body on India without further consultation with Indian leaders would not achieve the object His Majesty's

[1] See Nos. 79, 83, 86, and 87.

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Government have in view of giving India self-government at the earliest possible date; and would be likely to lead to a highly dangerous situation.

The 1942 proposal for a Constitution Making Body might be accepted by Congress, though this is by no means certain, but would certainly be rejected by the Muslims. If Congress accepted it, they would demand a pledge that its conclusions would be implemented by His Majesty's Government. If His Majesty's Government gave such a pledge, it would mean an open breach between Hindu and Muslim which would soon lead to widespread and dangerous disorders. If His Majesty's Government refused to give such a pledge, they would be accused of dishonesty.

On the secession issue, both Hindus and Muslims would require an explanation of how the right of Provinces to stand out was to be determined; and it would not be possible to find any formula that would be acceptable to Hindus and Muslims.

It is also essential to lay down more clearly the method by which the Constitution Making Body will be formed and its decisions taken. As it stands at present, a whole Province might be unrepresented; and the composition which would result from the 1942 offer would not, I think, be wholly acceptable to any party. It must also be made clear what majority is necessary for its decisions.

The States would not, I am sure, take part in the Constitution Making Body without further explanation and assurances.

I must therefore advise His Majesty's Government most strongly that it will be necessary to hold further consultations with Indians, after the elections, before a Constitution Making Body is formed; and this will not in the long run delay the attainment of the objective, and is the course best calculated to avoid serious disturbances and bloodshed.

What form these consultations should take is for discussion. They should in the first instance at any rate be carried out in India. They might perhaps take the form of consultation with a body of members elected by each Provincial Assembly on some proportional representation of communities; or with the Premiers of Provincial Governments.

I am also clear that His Majesty's Government must be prepared to face the inevitable issue of Pakistan, and must make up their minds how to deal with it. It will probably be best not to hold any public enquiry, at any rate at present; but His Majesty's Government must examine closely and carefully the full implications of any division of India, and must arrive at conclusions on it. The note I have already circulated[2] shows some of the difficulties.

I must state most definitely my sincere conviction that the only possibility of a peaceful settlement of the Indian problem is by eventual agreement between Hindus and Muslims. This is not impossible if we act carefully and patiently; any attempt to take short cuts or to impose a settlement can only lead to the gravest possible consequences, of which it is my duty to warn the Government

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with the utmost earnestness. It is obviously of special importance to His Majesty's Government to avoid serious communal disturbances in India at a time when large numbers of Indian troops are required for garrisons abroad; and when it is desirable not to keep large British forces in India.

I submit a revised draft which I firmly believe represents the furthest to which it is possible to go at present.

W.

DRAFT OF ANNOUNCEMENT PROPOSED TO BE MADE BY THE VICEROY AFTER HIS RETURN TO INDIA

As stated in the gracious Speech from the Throne at the Opening of Parliament, His Majesty's Government are determined to do their utmost to promote in conjunction with the leaders of Indian opinion the early realisation of full self-government in India. During my visit to London they have discussed with me the steps to be taken.

An announcement has already been made that elections to the Central and Provincial legislatures, so long postponed owing to the war, are to be held at an early date. Thereafter His Majesty's Government earnestly hope that ministerial responsibility will be accepted by political leaders in all Provinces.

His Majesty's Government have authorised me to undertake, immediately after the elections, discussions with elected representatives of Indian opinion both at the Centre and in the Provinces to ascertain whether the proposals contained in the 1942 declaration are acceptable in their entirety or what modifications are required. Representatives of the States will of course be invited to these discussions. It is the express desire of His Majesty's Government that a Constitution Making Body shall commence its deliberations before the end of 1946, and earlier if possible.

His Majesty's Government will give consideration to the content of the treaty which will require to be concluded between Great Britain and India. Preparatory work has already been begun in India.

These processes will inevitably take time. Meanwhile, the Government of India has to be carried on, and grave economic and social problems have to be faced. After the elections I propose to consider and advise His Majesty's Government what further attempt should be made to bring into being during the interim period an Executive Council which will have the support of the main Indian parties. Until then I hope that the Members of the present Executive Council will continue to serve India by carrying on the administration of the country.

[2] No. 82.

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India and Burma Committee. I.B. (45) 3rd Meeting

L/P&J/10/20: ff 96–100

Those present at this Meeting held at 10 Downing Street, S.W.1, on 4 September 1945 at 5.30 pm were: Mr Attlee (in the Chair), Sir Stafford Cripps, Lord Pethick-Lawrence, Viscount Stansgate, the Earl of Listowel

Also present were: Mr A. Henderson; Mr E. A. Armstrong and Mr J. P. Gibson (Secretariat)

The Committee had before them memoranda by the Secretary of State for India (I.B. (45) 9 and 10)[1] communicating the views reached by the Viceroy and himself after considering the results of the Committee's discussion on the 29th August,[2] and memoranda by the President of the Board of Trade (I.B. (45) 8)[3] and by the Postmaster-General (I.B. (45) 7)[4] containing their suggestions for further action.

THE PRIME MINISTER said that he had thought it would be useful for the Committee to discuss the situation as a preliminary to further discussion with the Viceroy, and invited the Secretary of State for India to state the results of his talks with Lord Wavell.

THE SECRETARY OF STATE FOR INDIA, referring to the memoranda which he had circulated, said that Lord Wavell had come some way to meet the Committee's views but that a gap still remained. The Viceroy's objection, which he had been unable to dispel, was against any announcement being made *now* that in default of any other satisfactory scheme being agreed upon in the post-election discussions with political leaders, H.M.G. would proceed to act on the plan for a Constituent Assembly contained in the Cripps offer.

The Secretary of State felt that on the pure merits of the case he agreed with the Viceroy that we should not be too precise at this stage. He disliked making an announcement of action to be taken several months ahead when events in the meantime might compel some change in H.M.G.'s plans. He thought that the advantage lay in making it clear to Indians that further advance was dependent on positive co-operation on their part and that it should be left to them to reach agreement. Moreover, before we undertook a definite commitment, there were certain important decisions to be taken on the details of the Cripps plan, and it was very necessary that our intentions should be made precise. He had failed to carry the Viceroy the whole way and thought that if we were to insist on his going further than he wished, we might either cause him to

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tender his resignation, or, at best, to acquiesce with the mental reservation that the plan of H.M.G. was dangerous and would not have his blessing.

The Secretary of State felt that the difference between the views of the Viceroy and of the Committee was not great enough to justify us in disregarding his advice.

THE PRIME MINISTER said that he also had had a discussion with the Viceroy, whom he found it difficult to convince that the proposals the Committee had in mind did not amount to imposing a constitution on India but were designed to secure agreement. The Viceroy was emphatic that the Moslems would not co-operate, and that the probable result of setting up the constitution-making machinery would be to provoke civil war. The Prime Minister had pointed out to him that, on the other hand, failure to do anything would equally provoke the Hindus to attempt to achieve their aims by forcible means; H.M.G. would then be compelled to rule the country by force, a course which opinion in this country would not tolerate. The Viceroy had repeated that in his view and that of his advisers the Moslems were firmly behind Jinnah and the Congress behind Gandhi, and that in default of agreement between Gandhi and Jinnah, there was no hope of further progress. The Viceroy had felt, however, that further discussions with the political leaders would achieve some measure of agreement. The Prime Minister, on the other hand, considered that since so many discussions had proved fruitless in the past, further discussions on lines proposed by the Viceroy would be equally unprofitable.

THE PRESIDENT OF THE BOARD OF TRADE said that the Viceroy's draft statement would be disastrous, and would only antagonise both Hindus and Moslems. He agreed that to embark on further discussions with Indian leaders would be unprofitable. The only hope of making progress was to bring the parties up against a definite plan of action which would compel them to face realities and come to agreement. By this means a completely different atmosphere would be created. It must be plain to the world that if we did not proceed with the offer of 1942, we would be going back on it.

Discussion followed on the point whether the Draft Declaration of 1942 was in essence an offer dependent on acceptance by Indians or constituted the principles of the policy to which H.M.G. were committed. Reference was made to the repeated statements in Parliament on this point and, in particular, to paragraph 5 of the Statement of 14th June, 1945,[5] made by the Secretary of State for India in the House of Commons, which declared that the offer of March 1942 stood in its entirety without change or qualification. The general view of the Committee was that opinion in the United Kingdom, India and America held that H.M.G. were committed to the policy embodied in the Draft Declaration.

[1] Nos. 90 and 91. [2] No. 78. [3] No. 89. [4] No. 88. [5] Vol. V, No. 507.

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THE SECRETARY OF STATE FOR INDIA said that, while recognising the force of what had been said, we ought nevertheless to make one more attempt to reach agreement on procedure before reaffirming once again our adherence to the Cripps plan.

THE PRIME MINISTER considered that what we now required was a plan whereby the newly elected representatives of the people and not merely the party leaders could be consulted.

Dealing with a point made by the Viceroy, THE PRESIDENT OF THE BOARD OF TRADE admitted that the Moslems might not co-operate with the constitution-making body; in that case the Constituent Assembly would presumably have to devise a constitution for Hindustan, though he thought himself that the Hindus were so anxious to avoid the division of India that they would be prepared to frame their plans in such a way as to make them acceptable to the Moslems.

THE PARLIAMENTARY UNDER SECRETARY OF STATE FOR INDIA suggested that for the purpose of the Viceroy's initial consultations the Lower Houses of the Provincial Legislatures might be invited to send representatives to meet in conference to discuss further procedure.

THE SECRETARY OF STATE FOR INDIA said that the Viceroy's difficulty was that, if an announcement on the lines proposed by the Committee were made, he would be asked whether it meant that the Draft Declaration of 1942 was to be applied in its entirety.

THE PRESIDENT OF THE BOARD OF TRADE said that it was impossible in any case to omit the provisions for non-accession of provinces. As for the rest, the Viceroy could say that he was prepared to discuss any other form of procedure based on provincial electorates. The details could be left to the later discussions.

THE PRIME MINISTER said that what he had in mind was a statement on the following lines:—

'X' "In their Draft Declaration H.M.G. declared their intention that immediately on the cessation of hostilities steps should be taken to set up in India an elected body charged with the task of framing a new constitution. This remained the intention of H.M.G. But while the Government held to their purpose that such a body should be based on the elected representatives of the Indian peoples in the provincial legislatures, they realised that detailed procedure was a matter for consideration. They therefore proposed that as soon as possible after the elections all elected representatives from the Lower Houses of the Provincial Legislatures should be called together to consider how best this elected body should be formed."

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THE PRIME MINISTER said that he put forward this suggestion to overcome the difficulty raised by the Viceroy that to proceed directly to the election of a Constituent Assembly would result in its boycott by one or other of the two main Indian parties.

Discussion followed as to the implication of the Prime Minister's suggested statement and the following points were made:—

(*a*) It was pointed out on the one hand that the total number of elected representatives from the Lower Houses of the Provincial Legislatures would be of the order of 2,000, which might be regarded as a somewhat unmanageable body. On the other hand, it was felt that the psychological effect in India of convening all the elected representatives of all the Provinces in one single Conference would be immense. In practice, the Viceroy would invite the Conference to form a working committee of manageable size with which he could explore the possibilities of agreement on future procedure.

(*b*) H.M.G.'s proposals would be put to the Conference who would be invited to accept them or to suggest alternative arrangements. But it would be made clear to the Conference that if they were unable to reach agreement among themselves, H.M.G. would proceed to implement their own proposals unilaterally.

(*c*) In the event of a complete boycott by all parties of a Constituent Assembly set up by H.M.G. in default of agreement among Indians, H.M.G. would at least have put themselves in the right with world opinion. In the event of such a boycott, the only alternative course would be to continue to govern India on the basis of the Act of 1935.

In answer to a question by the Secretary of State for India as to whether it was necessary to make a statement now such as the Prime Minister proposed, THE PRESIDENT OF THE BOARD OF TRADE said that the advent of a Labour Government in the United Kingdom had created great expectations in India, and if the policy of the Government were to appear to be less favourable to India than that of the Coalition Government, the effect on Indian opinion would be disastrous.

Indian States

Discussion then turned on the question of the position of the Indian States in relation to the constitution-making body.

THE SECRETARY OF STATE FOR INDIA said that the procedure for associating the States with the constitution-making machinery had not yet been fully worked out, and he felt that this was an additional reason why we should avoid unnecessary commitments at this stage.

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THE PRIME MINISTER suggested that the best course would be to leave the decision as to how the Princes should work along with the representatives of British India to the Chamber of Princes. It would have to be made quite clear that the decision as to the manner of participation of the States could be taken only by the States themselves.

Provincial Elections: Position of Detenus etc.

THE PRESIDENT OF THE BOARD OF TRADE raised the question whether persons who had suffered imprisonment would be disqualified as candidates or electors at provincial elections.

THE SECRETARY OF STATE FOR INDIA said that he understood that the statutory and other disqualifications related only to persons who had been convicted and sentenced to imprisonment, and did not apply to those detained without trial. He undertook to confirm that this was the position.

Indianisation of the Viceroy's Executive Council

THE PRESIDENT OF THE BOARD OF TRADE emphasised the desirability of reorganising and further Indianising the Viceroy's Executive Council on the lines suggested in paragraph 3 of I.B. (45) 8.

THE SECRETARY OF STATE FOR INDIA said that, while he was in sympathy with the proposals of the President of the Board of Trade, he doubted whether it would be possible to get an effective Council which would remain in office only for a few months. The Viceroy's idea was that he should await the results of the elections, when it would be possible to form a more representative Council. Either the Council would be fully representative or else it would be regarded as the mere puppet of the Viceroy. Until it was possible to achieve the first of these alternatives, there seemed to be little object in reconstituting the Council.

THE PRESIDENT OF THE BOARD OF TRADE thought that this point of view failed to take account of the psychological effect of Indians filling the key appointments in the Executive Council now, which would make a profound impression. He added that he hoped that this further Indianisation of the Council, together with the proposals to elevate Indian representatives abroad to the rank of Minister and to appoint a British High Commissioner in India, would be made public at one and the same time. By so doing the full psychological value of the changes would be secured.

After further discussion,

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THE COMMITTEE:—

Invited the Secretary of State for India—

(1) To consider, in consultation with the Viceroy, the drafting of a statement on the lines indicated by the Prime Minister at 'X' above.

(2) To discuss further with the Viceroy the possibility of a reorganisation of his Executive Council in the light of the Committee's discussion.

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Cabinet Paper C.P. (45) 147

L/P&S/12/2639: f 268

INDIAN DIPLOMATIC REPRESENTATION IN WASHINGTON

MEMORANDUM BY SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *4 September 1945*

I have received from the Foreign Office a memorandum (Annex I)[1] dated the 24th July from His Majesty's Ambassador at Washington suggesting that the decision of the War Cabinet on the 3rd August, 1944 (W.M. (44) 100th Conclusions, Minute 2)[2] that no change should be made in the status of the Indian Agency General in Washington should be reconsidered. I understand that the Secretary of State for Foreign Affairs regards the matter as urgent and would like the Cabinet to consider it before the 10th September. Lord Wavell has also informed me that he feels strongly that the question of Sir G. S. Bajpai being made a fully accredited Minister should be considered by the Cabinet. In the Diplomatic Corps in Washington Sir Girja holds the substantive position of Counsellor to His Majesty's Embassy, but he has the local rank of Minister and is by courtesy accorded access to the American Secretary of State and to the President.

2. Discussions on this subject have been proceeding over the past two or three years, and the arguments for and against the proposal were fully set out in the memorandum submitted to the Coalition War Cabinet by Mr. Amery and Mr. Eden on the 24th April, 1944 (W.P. (44) 221).[3]

3. In that paper my predecessor and the then Foreign Secretary, in agreement with the present Viceroy and the Government of India, urged the consideration that India should be placed "on the world stage, at least, as a Dominion with an independent diplomatic voice". They agreed with Lord Halifax that Indian self-respect would be increased by the exchange of diplomatic representatives

[1] Not printed. [2] Vol. IV, No. 623. [3] Vol. IV, No. 475.

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with the United States, and endorsed the Government of India's view that it would be better to train Indian diplomatists under British guidance rather than to be rushed at a later stage into conceding independent status when conventions between His Majesty's Government and India would be more difficult to establish. They therefore recommend that the Agency General of the Government of India in Washington should be made into an independent mission headed by a Minister Plenipotentiary.

4. Hitherto, the difficulty has been felt that, so long as the Governor-General in Council is constitutionally subordinate to His Majesty's Government, particularly in the field of foreign policy, it is improper, and might even in some cases be embarrassing and dangerous, that the Government of India should have an independent representative accredited to a foreign Government, to which he might make representations divergent from the policy which His Majesty's Government seek to follow with that Government.

5. Against this objection it has been urged that:—

(*a*) the constitutional anomaly has existed ever since India became an original member of the League of Nations in her own name in 1919, and that well-established conventions have grown up which have succeeded in obviating embarrassments; and

(*b*) the particular dangers foreseen in relation to the Washington proposal would be prevented by instructions proposed to be issued as a directive to the Minister for India in the United States (Annex II)[4] which lays down precisely the division of responsibilities in relation to India between that Minister and His Majesty's United Kingdom Ambassador.

6. The elevation of the Indian Agency General to the status of Legation would, I understand, amount to the creation of a new Mission with the United States Government whose consent to receive it would need to be sought. There is no doubt little reason to apprehend that such consent would not be forthcoming; but the request for it might evoke an enquiry whether it signified any alteration of the constitutional position of the Government of India *vis-à-vis* His Majesty's Government in the United Kingdom.

7. The new point introduced into the discussion in the past four months is that the elevation of the Agency General (and other similar posts) was announced in the statement of policy of the 14th June last (which formed the basis of the Simla negotiations) as conditional on, and the consequence of, the acceptance by Indian non-official political leaders of the responsibilities of membership of the Governor-General's Executive Council, including specifically that of handling India's external relations.

8. The question to be decided, therefore, is whether, despite the rejection of the offer contained in the Statement of the 14th June, the proposal should be

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proceeded with now, in view of the support given to it by Lord Halifax and Lord Wavell.

9. In my view the arguments in favour of this proposal are sufficiently strong and I accordingly recommend it for approval.

10. If my colleagues support this view it would follow that similar action should be taken with the Chinese Government in respect of the Indian Agency General at Chungking. I understand that the Secretary of State for Foreign Affairs would see no objection to this consequential step.

P.-L.

[4] Not printed.

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Cabinet

India and Burma Committee. Paper I.B. (45) 11

L/P&J/10/20: ff 94–5

Disqualification of Candidates and Electors at Indian Elections by Reason of Imprisonment

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *5 September 1945*

At the third meeting of the Committee on the 4th September[1] I undertook to confirm my oral statement of the position on this subject. I have now done so and find that the position is as follows:—

A. *Provincial Legislatures.* The Statutory provisions in the Government of India Act of 1935 are:—

(a) *Candidates.*

(1) Under Section 69(i)(e) a person is disqualified if he has been *convicted* of an offence by a Court in British India and sentenced to transportation or to imprisonment for not less than two years, unless a period of five years or such less period as a Governor acting in his discretion may allow in any particular case, has elapsed since his release.

(2) Under Section 69(ii) a person may not be chosen a member of a Provincial Legislature while he is *serving a sentence of transportation or of imprisonment for a criminal offence.*

[1] No. 92.

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(*b*) *Electors.*

Under paragraph 9 of Part I of the Sixth Schedule, no person may vote in any election in any territorial constituency if he is for the time being undergoing a sentence of transportation, penal servitude or imprisonment.

B. *Central Legislatures.*

The disqualifications, which are on similar lines, are laid down in the electoral rules made by the Governor-General.

Both in the case of the Central and Provincial Legislatures special provisions exist for the disqualification of those guilty of corrupt election practices.

It should be noted that these disqualifications *do not* apply to persons who are at the time or have been detained without trial; nor are persons disqualified as electors by reason of having in the past served a sentence of imprisonment.

P.-L.

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Cabinet

India and Burma Committee. Paper I.B. (45) 12

L/P&J/10/20: ff 91–3

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *5 September 1945*

I have had further consultations with Lord Wavell in the light of the discussion at the last meeting of the Committee. As a result Lord Wavell is willing to agree to an announcement in the form appended. He is very ready to consult with representatives of the new Provincial Legislative Assemblies, but in his view it is not practicable to convene them all together as there are over 1,500 of them. For this reason the draft refers to "specially chosen representatives" of the Legislative Assemblies.

P.-L.

DRAFT OF ANNOUNCEMENT PROPOSED TO BE MADE BY THE VICEROY AFTER HIS RETURN TO INDIA

As stated in the gracious Speech from the Throne at the Opening of Parliament, His Majesty's Government are determined to do their utmost to promote in conjunction with the leaders of Indian opinion the early realisation of full self-government in India. During my visit to London they have discussed with me the steps to be taken.

An announcement has already been made that elections to the Central and Provincial legislatures, so long postponed owing to the war, are to be held at

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an early date. Thereafter His Majesty's Government earnestly hope that ministerial responsibility will be accepted by political leaders in all Provinces.

It is the intention of His Majesty's Government to convene as soon as possible a constitution making body and as a preliminary step they have authorised me to undertake, immediately after the elections, discussions with specially chosen representatives of the Legislative Assemblies in the Provinces, to ascertain whether the proposals contained in the 1942 declaration are acceptable in their entirety or what modifications are required. Similar discussions will be undertaken with the representatives of the Indian States with a view to ascertain[ing] in what way they desire to take their part in the constitution making body.

His Majesty's Government will further give consideration to the content of the treaty which will require to be concluded between Great Britain and India. Preparatory work has already been begun in India.

These processes will inevitably take time. Meanwhile, the government of India has to be carried on, and grave economic and social problems have to be faced. His Majesty's Government have therefore further authorised me, after the holding of the Provincial elections, to make a renewed attempt to bring into being an Executive Council which will have the support of the main Indian parties.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/E/8/4869: f 133

INDIA OFFICE, *5 September 1945*

My attention has been drawn to certain difficulties which would follow the adoption of the suggestion—stated in rather broad terms—which I made at the end of paragraph 9 of my letter to you of 27th August,[1] that psychological effect might be gained in India from coupling with an announcement of the appointment of a United Kingdom High Commissioner, a declaration of intention to waive in practice the Statutory right of the Secretary of State to give directions to the Government of India in matters falling within the charge of the High Commission. It has been pointed out to me that, strictly interpreted, such a declaration would entail the waiver of the right or, indeed, obligation of the Secretary of State to control and direct the Governor-General, and, through him, the Governors in the exercise of their special responsibility in the event of any executive action, taken or proposed, involving discrimination against United Kingdom interests; this, of course, would be not merely an unconstitutional assertion of a decision to disregard provisions of an Act of Parliament,

[1] No. 73.

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but would be an action for which the Secretary of State would be taken severely to task by the interests in the United Kingdom which are protected by the provisions which he would be declaring it his intention to disregard.

I should wish, therefore, definitely to withdraw this suggestion, for I feel that to define the High Commissioner's functions so precisely as to exclude effectively from his field any discussion of the safeguard provisions in question, would create in India an adverse psychological effect precisely equal to that which the original suggestion would evoke in this country and in Parliament.

If, as I hope, you are convinced by the other considerations in my letter, that no worth-while psychological effect is to be gained in India by the device of putting the High Commissioner "under" the Dominions Office, and since my alternative suggestion has now to be withdrawn, the conclusion seems to be that neither in one way nor in the other is it possible to extract from the creation of this post any psychological effect at all, or to treat it as a gesture towards India and her political aspirations. I am told that when the suggestion to create the High Commissionership was first mooted in the India Committee under the Coalition Government,[2] you yourself deprecated it as premature from the Indian aspect; but that it was represented that the appointment was recommended in no way as a gesture to Indian opinion, but solely as a useful or even necessary measure for the protection of United Kingdom interests in India. That being so, it is surely not unnatural that it should prove impracticable to extract from the appointment any psychological effect of political value to Indian opinion.

[PETHICK-LAWRENCE]

[2] See vol. V, No. 375.

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Mr Dobbie and Others to Newspaper Editors

L/I/1/755: ff 92–3

6 September 1945

To the Editor.

Sir,

We welcome the prompt initiative taken by the Government in inviting the Viceroy to come to London to discuss the Indian situation afresh. We confidently hope that the Government will authorise steps speedily to implement the policy towards India for which it has received an overwhelming mandate from the people of Britain, and which is further embodied in the United Nations Charter which Parliament has now ratified unanimously.

The "sovereign equality" of India, i.e. her national independence (Article 2, 1)

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and her right to self-determination (Article 1, 2) are part of our "policies and principles" (Chapter I) in common with the rest of the United Nations who are signatories to the Charter. India herself is one of the United Nations, but her present subject status continues to be anomalous and humiliating to her nationals and to challenge our own democratic convictions.

We also welcome the announcement that elections are to be held in India. We must, however, assure India and world public opinion in terms of policy and administrative acts which leave no room for doubt that these elections will be free and calculated to give opportunities for the fullest possible expression of popular opinion.

Therefore we ask the Government that all political prisoners should be released, that freedom of the press, of speech, assembly, organisation and of movement of persons within the country should be placed on a democratic basis and conform in practice with democratic standards. Further that in view of the suppression over a long period of the organs of the largest and most representative political organisation in India, namely the Indian National Congress, and the widespread destruction, and sequestration of its records, property and machinery, full time should be allowed for it and other elements like the Trade Union movement of India to reestablish themselves and function normally. Without such steps the forthcoming elections will not be truly representative, and they will fail to achieve that registration of public opinion which alone can be a guarantee of a hopeful approach to an Indian settlement.

We are perturbed that only a small proportion of the Indian population will participate in the elections—approximately 11 per cent for the Provinces and only one-half per cent for the Central Assembly. Further that a number of national leaders and many more Congress and Trade Union workers and active elements in the country are likely to be disqualified on the grounds that they have been in prison. We therefore ask that His Majesty's Government will instruct that the rules in connection with electoral registers shall not be interpreted in such a way as to exclude these vital elements of India's national life from the franchise. We urge that the electoral qualifications in India be modified as far as possible so as to enable a wider section of the people, particularly of the working class, to participate. We also ask our Government to secure the amendment of the Trade Union Act of 1920 to enable full political freedom for workers and their Unions.

Free elections demand the total abrogation of administration under Section 93 of the Government of India Act in the provinces, as elections held under the auspices of the autocratic regimes of Provincial Governors cannot be regarded as free or likely to inspire confidence. Therefore the legislatures should be recalled, and provincial governments constituted before a dissolution takes place. This alone would be in accordance with democratic practice and a part of the minimum required if we mean the elections to be free.

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The Central Government must be reconstructed so as to make it more representative. The recent Simla discussions, though abortive, revealed an overwhelming degree of agreement and the prospects to such an end. His Majesty's Government must be firmly resolved that the Viceroy's Council shall be forthwith reconstructed so as to make it as strong and as representative as possible, and to function in effect as a popular Government. That neither the veto nor the obstruction of any one individual, group or section, either in India or in this country, shall be permitted to thwart this necessary achievement. It is only such a change at the Centre that can achieve the results that we hope for from a Constituent Assembly. A Constituent Assembly by itself, without a national government, will not satisfy either Indian demands or the necessities of the present.

Finally we would ask our Government to take immediate steps to secure that India shall be represented in the United Nations organisation and its various organs *now* by men and women of India who command the confidence of Indian opinion and are respected abroad. This last step is not merely an act of justice to India, but one of great value to us and the rest of the United Nations.

We would like to add that public opinion in Britain is highly expectant of an approach to and a solution of the problem of India in terms of the great Freedoms which we rightly applaud and which it is our desire to see established in the world.

Yours etc.,

WILLIAM DOBBIE	(M.P.)	EDWARD THOMPSON	
GEORGE HICKS	,,	M. CORBETT ASHBY	
J. SILVERMAN	,,	FARINGDON (LORD)	
PERCY BARSTOW	,,	CARL HEATH	
W. G. COVE	,,	MAUDE ROYDEN-SHAW	
T. F. COOK	,,	AGATHA HARRISON	
W. H. OLDFIELD	,,	L. C. WHITE	
HAROLD DAVIES	,,	H. N. BRAILSFORD	
LESTER HUTCHINSON	,,	WILL LAWTHER	
JULIAN SNOW	,,	ELIZABETH BRADDOCK	(M.P.)
FRED LONGDEN	,,	JOHN PLATTS-MILLS	,,
E. POPPLEWELL	,,	C. S. GANLEY	,,
ALEXANDER SLOAN	,,	STEPHEN SWINGLER	,,
VICTOR F. YATES	,,	W. S. VERNON	,,
P. L. E. SHURMER	,,	HENRY WHITE	,,
FRED MESSER	,,	H. G. MCGHEE	,,
S. W. JEGER	,,	DONALD BRUCE	,,
S. O. DAVIES	,,	WILLIAM GALLACHER	,,
RHYS DAVIES	,,	EDWARD EVANS	,,
C. W. DUMPLETON	,,	WILLIAM GRIFFITHS	,,
GEORGE S. WOODS	,,	DAVID HARDMAN	,,
WALTER AYLES	,,	FRED LEE	,,
W. MONSLOW	,,	DRYDEN BROOK	,,

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F. T. WILLEY	,,	GORDON LANG	,,
LESLIE T. SOLLEY	,,	JOHN RANKIN	,,
F. W. SKINNARD	,,	JAMES RANGER	,,
B. STROSS	,,	JOHN BELCHER	,,
LEAH MANNING	,,	PETER FREEMAN	,,
R. RICHARDS	,,	H. B. MORGAN	,,
J. HAWORTH	,,	REGINALD SORENSEN	,,
J. M. [?C. J.] SIMMONS	,,	HORACE ALEXANDER	
REGINALD BRIDGEMAN			

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Cabinet

Far Eastern (Ministerial) Committee. Paper F.E. (M) (45) 9

L/P&S/12/4565: ff 197–8

British Participation in the Machinery for the Control of Japan

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *6 September 1945*

My colleagues will remember that the Committee at their meeting on 17th August[1] approved a recommendation by the Far Eastern (Official) Committee (F.E.(M)(45) 1)[2] that proposals should be put before the U.S. Government for an Allied Control Council of five Powers, comprising representatives of the Governments of the U.K., U.S.A., U.S.S.R., China and Australia, to be established under the presidency of the Supreme Commander.

The representation of the other interested Governments (among whom India was included) was to be secured by membership of an Allied Advisory Committee for Japan. I understand that the first American reactions to these proposals were not favourable.

2. I have now received from the Government of India the telegram of which I attach a copy (Annex) urging that the omission of India from the proposed Control Council would be derogatory to the part she has played in the Far Eastern War, would fail to take account of the position she holds in the East and would be resented by Indian public opinion.

3. I realise the difficulty of pressing India's claims for representation on a body on which, apart from Australia, it has been proposed that only the four major Powers with interests in Eastern Asia should participate. I feel, however,

[1] and [2] Not on L/P&S/12/4565.

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that, if any scheme on the lines of an Allied Control Council is adopted, account should be taken of the Government of India's strongly expressed views before a final decision is reached at the meeting of the Council of Foreign Ministers due to be held next week.

4. I am aware, of course, that counter proposals put forward by the U.S. Government for a Far Eastern Advisory Commission (on which the U.S.A. did not propose that India should have a seat) are at present under consideration in the Foreign Office and that H.M.G. have expressed the view that the exclusion of India from such a Commission is "entirely unacceptable".

P. L.

Annex to No. 98

Government of India, External Affairs Department to Secretary of State

Telegram

IMMEDIATE — NEW DELHI, *5 September 1945, 10.50 pm*
TOP SECRET — *Received: 5 September, 8 pm*

7784. Japanese surrender terms. We have learnt from demi-official correspondence that India is not included among countries proposed to be represented on Control Council which H.M.G. contemplate under presidency of Supreme Commander for Allied Powers although it is intended that she should have membership on Allied Advisory Committee.

2. We feel strongly that omission of India from Control Council would:

(*a*) be derogatory to the great part she has taken in the war against Japan and to large forces she is making available for occupation;
(*b*) ignore her position as a principal power in Asia; and
(*c*) be deeply and justifiably resented by Indian public opinion.

As regards (*a*) we need scarcely emphasise the Indian Army's preponderant share in Burma campaign and the vital importance of role India has played as allied base for operations against Japan. We need not enlarge upon (*b*). As for (*c*), there has already been criticism in the press of the absence of the representative of India from Burma negotiations, and failure to grant her membership of the Control Council would lend encouragement to the charge that United Nations having enjoyed full benefit of India's war effort, are unwilling now to accord practical recognition to it.

3. We recognise China's right to membership of the Control Council, but consider India's status as Asiatic power and her war effort entitle her to equal treatment. And we feel strongly that India has at least as good a claim as Australia to representation. We regard India's inclusion in the Council as a

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matter of moment, and request that urgent attention will be given to our views.

4. Sir John Colville has seen. Please show to Lord Wavell.

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Cabinet

India and Burma Committee. I.B. (45) 4th Meeting, Minutes 1–3

L/P&J/10/20: ff 81–90

Those present at this Meeting held at 10 Downing Street, S.W.1, on 6 September 1945 at 9.45 pm were: Mr Attlee (in the Chair), Sir Stafford Cripps, Lord Pethick-Lawrence, Viscount Stansgate, Miss Ellen Wilkinson, the Earl of Listowel

Also present were: Field Marshal Viscount Wavell, Mr A. Henderson; Sir Gilbert Laithwaite and Mr J. P. Gibson (Secretariat)

Draft of Announcement to be made by the Viceroy

The Commitee had before them a memorandum by the Secretary of State for India (I.B. (45) 12)[1] covering the draft of an announcement to be made by the Viceroy revised in the light of previous discussions, of which a copy is attached to these minutes as Annex I.

The Committee considered the arguments for and against adding to the proposed announcement a statement of the other decisions which might in certain circumstances be taken, such as the complete Indianisation of the Executive Council, the grant of full diplomatic status to Indian representatives at Washington and Chungking, the establishment of a United Kingdom High Commissioner, etc.

After discussion, *the general sense of the Committee* was that the balance of advantage rested with keeping these matters in reserve for the moment.

After further discussion, a number of drafting amendments were made, and a copy of the draft as finally approved by the Committee is attached to these minutes as Annex II.

Question of a Statement by the Viceroy to accompany the Official Declaration

LORD WAVELL suggested that when the announcement was made there might be advantage in accompanying it with a broadcast statement of his own, roughly on the following lines:—

"That is the statement which I have been authorised to make by H.M.G.

[1] No. 95.

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It means that H.M.G. are determined to go ahead with giving self-government to India at the earliest possible date. They have an immense number of matters of the first importance on their hands, but despite all their other pre-occupations they have taken time in the first days of their new office to deal with the problems of India. The fact that they have put these problems in the absolute forefront is a measure of their earnest resolve to give India self-government at the earliest possible date."

To this there might be added words of warning as to the need for the patience, co-operation and goodwill of all concerned. Any such statement might conclude by words to the effect that H.M.G. were not going to acquiesce in a deadlock if they could possibly help it; but that it was, however, essential for them to carry all parties with them, and that this was India's real opportunity to get self-government.

THE COMMITTEE:—

Agreed that there would be great advantage in a statement on the lines suggested by Lord Wavell.

Question of a simultaneous announcement in the United Kingdom

A discussion followed as to whether a simultaneous announcement should be made in the United Kingdom, and, if so, by whom and whether by a broadcast or by a press conference.

The general sense of the Committee was:—

(*a*) That there should be a simultaneous announcement in the United Kingdom;

(*b*) That it should be by means of a broadcast by the Prime Minister himself;

(*c*) That the Secretary of State for India should give consideration to the desirability of holding a preliminary press conference and the arrangements to be made in connection therewith, designed to prepare the way both for the Viceroy's announcement and for the Prime Minister's broadcast.

Discussion in Cabinet

THE PRIME MINISTER said that he would bring the outcome of the Committee's deliberations before the Cabinet at their meeting on Tuesday, 11th September.

2. GENERAL POLITICAL POSITION

LORD WAVELL said that he welcomed the decisions which the Committee had taken. He thought that the statement which they had approved was on the right lines and would be of great value. At the same time he thought it his duty to impress on H.M.G. that although the draft announcement might be useful

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as showing their intention to press on with the solution of the Indian problem, there were very many extremely awkward questions to be solved before a C.M.B. could be brought into being and still more before a new constitution could be agreed upon and brought into force. It was in fact by no means certain that in present conditions a C.M.B. could be formed which was likely to produce a solution of any value; and there was obviously little use in convening a C.M.B. which was obviously unlikely to produce a working constitution; it would only be a waste of time and might be denounced as evidence of the dishonesty of British intentions.

Before they would consent to enter into a C.M.B. at all, he was confident that the various parties would require answers to certain questions.

(*a*) Both Hindus and Moslems would want to be clear on the secession issue, i.e. what was the ultimate safeguard for the Muslim community, how was the right of a province or other division to stand out of the Indian Union to be determined; e.g. was the province with its existing boundaries to be the unit with only minor adjustments to the boundaries, or was the division of provinces contemplated; by whom would the decision be made, by the legislature, by a plebiscite of the whole population, or by a plebiscite of the majority community only, as Mr. Jinnah claimed.

(*b*) Congress would want to know whether H.M.G. would pledge itself to implement the findings of the C.M.B. which excluded any of the principal parties, e.g. the Muslims and States.

(*c*) H.M.G. would have to define precisely the powers of the C.M.B. and the proportion of votes necessary for a major decision.

(*d*) The Princes would certainly not enter into any C.M.B. without some assurance from H.M.G. about their treaty rights.

(*e*) The Scheduled Castes and other minorities would want to know how H.M.G. proposed to fulfil their pledges to protect their interests if they were not satisfied with the decisions of the C.M.B. All the minorities would clamour for increased representation on the C.M.B.

All those and other questions would inevitably be raised and would have to be dealt with before any C.M.B. could be brought into being. H.M.G. must therefore make up their minds how to deal with these issues. They must also make up their minds what action they proposed to take if it was found impossible to form a C.M.B. which had any chance of success. They must also make up their minds what action they would take if the C.M.B. sat and was unable to produce a practicable scheme.

It had to be realised that in the interval while the C.M.B. was being formed and was sitting all progress in industrial, social, educational, health and other schemes would be held up or delayed, until an answer could be given to the question whether there would be one India or two Indias or three Indias.

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Finally, he was sure that the only method by which we could hand over India to self-government with any safety to India or honour to ourselves was by securing agreement between the principal parties, and that we should make up our minds that we might have to stay in India until this could be done.

THE SECRETARY OF STATE FOR INDIA said that he had already been giving anxious consideration to the points which the Viceroy had just raised. Many of them were covered substantially by the paper which he had circulated as I.B.(45) 9.[2] He suggested that there would be advantage in a general discussion before the Viceroy left of the principal points which Lord Wavell had raised. The Viceroy was bound to have to submit to a good deal of questioning when he returned to India and it would be of much assistance to him to know the mind of H.M.G.

The suggestion was made that there might be advantage in postponing any discussions until the result of the talks which Lord Wavell had it in mind to hold with provincial leaders about the formation of a constituent assembly was known. Those conversations were bound to show the points in which political leaders in India were actively interested. Was there not a risk that discussion now might be in vacuo? *The general feeling of the Committee* was, however, that there would be definite advantage in the course proposed by the Secretary of State, to which the Viceroy lent his full support.

'X' THE PRESIDENT OF THE BOARD OF TRADE suggested in this connection that it would be well if the Secretary of State could arrange for his officials to isolate and note on the various points that had been raised in the 1942 discussions which he, Sir Stafford Cripps, had held with political leaders in India, and on the points which had been raised on the same occasion in the various press conferences. It would be all to the good that the ground should be cleared in relation to these.

THE COMMITTEE:—

(1) Took note with interest of Lord Wavell's statement.

(2) Agreed that a further meeting of the India Committee should be arranged before the Viceroy left this country in the middle of next week, to discuss the general points raised by him.

(3) Invited the Secretary of State for India to arrange for an examination of those points and of the points referred to at 'X', and to circulate a paper as a basis for discussion.

3. DISQUALIFICATIONS OF CANDIDATES AND ELECTORS AT INDIAN ELECTIONS BY REASON OF IMPRISONMENT

The Committee had before them a factual memorandum (I.B.(45) 11[3]) by the Secretary of State for India recording the position in relation to the disqualification of candidates and electors at Indian elections by reason of imprisonment.

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THE PRIME MINISTER enquired whether the effect of the statutory provisions and other disqualifications in the electoral rules set out in the Secretary of State's memorandum was to affect the position of any important political persons. Were any such in detention or imprisonment, and would any such in consequence be disqualified?

LORD WAVELL and THE SECRETARY OF STATE said that to the best of their knowledge there were no persons so affected.

The suggestion was made that there would be advantage in some public explanation of the position being given. There was considerable misunderstanding at the moment and it would be well to dissipate it. Would it not be
'Y' possible for the Viceroy to include an explanation in the statement which he had it in mind to broadcast?

LORD WAVELL said that he would be very ready to consider this.

THE COMMITTEE:—

(1) Took note with approval of the memorandum by the Secretary of State for India circulated as I.B.(45) 11.
(2) Invited Lord Wavell to consider action on the lines suggested at 'Y' in connection with his statement.

Annex I to No. 99

DRAFT OF ANNOUNCEMENT PROPOSED TO BE MADE BY THE VICEROY AFTER HIS RETURN TO INDIA

[*There follows the text of the draft in No. 95*]

Annex II to No. 99

DRAFT *AS AMENDED IN DISCUSSION IN THE INDIA COMMITTEE ON 6TH SEPTEMBER, 1945* OF ANNOUNCEMENT PROPOSED TO BE MADE BY THE VICEROY AFTER HIS RETURN TO INDIA

As stated in the gracious Speech from the Throne at the Opening of Parliament, His Majesty's Government are determined to do their utmost to promote in conjunction with the leaders of Indian opinion the early realisation of full self-government in India. During my visit to London they have discussed with me the steps to be taken.

An announcement has already been made that elections to the Central and Provincial legislatures, so long postponed owing to the war, are to be held ~~at an early date~~ *during the coming cold weather*. Thereafter His Majesty's Government earnestly hope that ministerial responsibility will be accepted by political leaders in all Provinces.

[2] No. 90. [3] No. 94.

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It is the intention of His Majesty's Government to convene as soon as possible a constitution making body and as a preliminary step they have authorised me to undertake, immediately after the elections, discussions with ~~specially chosen~~ representatives of the Legislative Assemblies in the Provinces, to ascertain whether the proposals contained in the 1942 declaration are acceptable *or whether some alternative or modified scheme is preferable.* ~~in their entirety or what modifications are required~~. ~~Similar~~ discussions will *also* be undertaken with the representatives of the Indian States with a view to ascertaining in what way they ~~desire to~~ *can best* take their part in the constitution making body.

His Majesty's Government ~~will further give~~ *are proceeding to the* consideration ~~to~~ *of* the content of the treaty which will require to be concluded between Great Britain and India. ~~Preparatory work has already been begun in India~~.

~~These processes will inevitably take time~~. ~~Meanwhile~~ *During these preparatory stages,* the government of India ~~has to~~ *must* be carried on, and ~~grave~~ *urgent* economic and social problems ~~have to~~ *must* be ~~faced~~ *dealt with. Furthermore, India has to play her full part in working out the new World Order.* His Majesty's Government have therefore further authorised me, ~~after the holding of~~ *as soon as the results of* the Provincial elections *are published,* to ~~make a renewed attempt~~ *take steps* to bring into being an Executive Council which will have the support of the main Indian parties.

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Cabinet Paper C.P. (45) 155

L/P&J/10/20: ff 74–5

REPORT BY THE PRIME MINISTER, CHAIRMAN OF THE INDIA AND BURMA COMMITTEE

10 DOWNING STREET, *9 September 1945*

At their meeting on the 20th August (C.M. (45) 24th Conclusions, Minute 1)[1] the Cabinet agreed that the Viceroy should be invited to return here immediately for discussion of general policy in India. Lord Wavell arrived in this country on the 26th August. Since then he has attended meetings of the India and Burma Committee and the whole field of policy has been fully explored.

2. I need not trouble my colleagues with the detail of the discussions. They have centred round the desirability of making it clear without further delay that it is our intention to convene a constitution-making body as envisaged in the Cripps offer of 1942 as soon as possible once the results of the forthcoming Indian elections are known.

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3. The Viceroy at first was doubtful of the wisdom of any public undertaking in this sense. He pointed out that there were many points of detail to be examined and resolved before a constitution-making body could come into being. There was the risk of inflaming communal feeling, particularly during the election period, and in Lord Wavell's view the major political parties, for different and mutually destructive reasons, might well decline to take part in any constituent assembly. The Congress might decline to participate if the principle of the partition of India appeared to be conceded, and the Muslim League unless it was conceded.

4. The Committee have made it clear, on the other hand, to the Viceroy that in our view it is quite essential to face whatever risks there may be in this matter, and to give India and the world a clear indication without further delay of our intentions. If, when the time comes, it is impossible to persuade the Indian parties to take part in whatever constitution-making body may be set up, a new situation will arise which we shall have to consider in the light of the circumstances. But at least we shall have done our part in giving effect to the Cripps offer, to the principles of which this Government and its predecessors have repeatedly asserted their adherence, and if there is a failure it will not be possible to place the responsibility for it on the shoulders of His Majesty's Government.

5. In the result, and after further discussion with Lord Wavell, we recommend that he should be authorised on his return to India to broadcast an announcement in the terms of the Annex to this Report, which has been drafted in consultation with us. The Viceroy would accompany this announcement with a personal message of his own, emphasising its significance, and appealing for co-operation. The feeling of the Committee, which the Viceroy shared, was that there would be advantage if I were to make a very brief broadcast in the name of His Majesty's Government on the occasion of the Viceroy's announcement which would affirm in general terms the policy of this Government towards India, and this, if my colleagues so desire, I shall be very willing to do.

6. Opportunity will be taken before Lord Wavell leaves this country in the middle of next week to discuss with him in a general and exploratory way certain of the difficult issues of detail that will have to be considered in connection with the establishment of any constitution-making body.

7. On behalf of the Committee I invite the Cabinet to approve the making by the Viceroy of an announcement in the terms appended hereto, and to agree that this should be accompanied by a short broadcast by myself as Prime Minister.

C. R. A.

[1] No. 42.

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Annex to No. 100

[*There follows the amended text in Annex II to No. 99.*]

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Cabinet

India and Burma Committee. Paper I.B. (45) 13

L/P&J/10/20: ff 63–72

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *9 September 1945*

In the paper which I circulated to the Committee as I.B. (45) 9,[1] I noted five points emerging from the Cripps scheme which appeared to me to require further investigation. As desired by the Committee at their meeting on the 6th September[2] I now circulate a note on these points and on such other connected points as it seems desirable to discuss with the Viceroy, regard being had to the discussions with, and the statements made by Sir Stafford Cripps during his mission in India in 1942 in so far as they related to the "long term" proposals.

I understand it to be the Committee's intention that while it would be of advantage to the Viceroy to know the general mind of the Committee on these points before he is exposed to questioning on his return, decisions on them should await the results of the Viceroy's proposed talks after the conclusion of the elections.

A. *Method of election of the British Indian element of the Constitution-making Body.*

2. This issue was not discussed in any detail with the political leaders in 1942 and was the subject of only one or two general references in the press conferences in which Sir Stafford Cripps explained that the electoral college would consist of all the members of the Lower Houses of the Provinces, provision also being made for the inclusion of representatives of the Chief Commissioners' Provinces. The resolution of the Moslem League Working Committee dated 11th April 1942[3] took exception to the method proposed in the Draft Declaration of election by the system of proportional representation, on the ground that it deprived them of the safeguard they enjoyed in the system of separate electorates.

3. Who is to preside over the proceedings of the electoral college? Is the Governor General to take any part, or will the college as a first step proceed to choose their own President?

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What are to be the qualifications of the candidates to be chosen by the electoral college for the constituent body, and how are they to be nominated? Will they be drawn from the members of the college only or may outsiders be nominated?

The procedure of voting as one body by proportional representation may have unexpected results in the representation of the Provinces and of the various communities unless reliance on communal and provincial solidarity in the voting should prove to be justified.

Or is it necessary or desirable to prescribe in advance the composition of the constituent body by Provinces and by communities? The Provincial distribution is important because it will be for the Provinces individually to decide whether the resulting constitution is one which they will accept. A communal distribution that will not upset the minorities is equally—and more—important.

4. One alternative method of election which would safeguard the Provincial and probably also the communal distribution would be an adaptation of the system provided in the Government of India Act for the election of the members of the Federal Assembly by the Provincial Legislatures, each voting by communal electorates by proportional representation. Whether this or some other alternative is the most acceptable can only be decided after the Viceroy's discussions next year.

B. *Representation of the Indian States in the Constitution-making body.*

5. The 1942 Declaration says:—"Indian States shall be invited to appoint representatives in the same proportion to their total population as in the case of representatives of British India as a whole . . .". The question how the invitations are to be issued and the representatives chosen remains open. At a press conference[4] Sir S. Cripps said that it was contemplated that each Indian State would use the best method it has available of appointing peoples' representatives; i.e. election, if there were a representative body capable of election; if there is not, the method would be nomination by the Ruler.

6. The Congress Working Committee (Resolution of 11.4.42)[5] took exception to "the complete ignoring of ninety millions of people in the Indian States". They said that while the representation of an Indian State in the constitution-making body was fixed on a population basis, the people of the State had no voice in choosing those representatives.

7. It has hitherto been assumed that the Rulers should nominate the States' representatives. There seems no constitutional alternative as was recognised in

[1] No. 90. [2] No. 99. [3] See Vol. I, No. 606. [4] See Vol. I, No. 440, pp. 544–5.
[5] Vol. I, No. 605.

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the formulation of the Schedules of the G/I Act of 1935. The Rulers constitute the only authority with which the Crown is in relationship, and to the extent that democratic government does not exist in the States it is impossible to insist on democratically elected representatives. But the possibility of asking the Rulers to use means, whether through existing electoral bodies or otherwise, of ascertaining their peoples' choice of representatives merits examination and the Crown Representative might be asked to consider it.

8. The number of seats which would be available on the population basis may be taken as about 50.

The machinery provided in Part II of the 1st schedule to the 1935 Act for States' representation in the Federal Legislature is fairly closely related to the population of the various States and in principle seems suitable. But it provides for a total of 125 in the Assembly and 102 in the Council of State, on an intricate interwoven pattern which it might be difficult to adapt for the purpose of getting so much less a number as 50.

9. The machinery of the Chamber of Princes is another possibility. Unfortunately no Chamber decision (not in itself easy to secure) is binding on individual Rulers, and it is impossible merely to leave the whole question of representation to the Chancellor to settle with his fellow-Rulers. It might however be possible to take the method of appointment of the Standing Committee of the Chamber as a model; this consists of 35 seats, of which the five 21-gun States have one each, thirteen 19-gun and 17-gun States form a constituency electing ten members, and the rest of the Member-States form ten constituencies appointing an average of two members each. One disadvantage here is that there is a wide departure from the population basis, e.g. among 21-gun States Hyderabad with some 16 millions has the same representation as Baroda with some 3 millions. Another is that the big States have never been satisfied with the Chamber organisation and have taken little part in it; its use for this purpose might alienate them. Another disadvantage is that Rulers themselves attend the Chamber deliberations, and it is most desirable, if business is to be done efficiently, that the Princely representatives on the Constitution-making body should be Ministers, not Rulers.

10. A third possibility would be an adaptation of the machinery by which the Crown Representative selected States' representatives for the National Defence Council. This was designed to provide very small alternating panels of representatives, particularly of those States most concerned in the War Effort, for a specific purpose and without considerable adaptation would hardly be suitable for this wider purpose.

11. A fourth possibility would be to devise some new machinery—perhaps combining the merits of the first and second—whereby the 21-gun (and per-

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haps the 19-gun) States would be given individual representation in rough proportion to their populations, the other States being grouped—perhaps on the basis of the existing Agencies—for representation in rough proportion to their aggregate populations.

12. This is one of the matters on which Lord Wavell will have to make precise recommendations in due course.

C. *Assurance to Princes regarding Treaty Rights*

13. The 1942 Declaration says:—"Whether or not an Indian State elects to adhere to the Constitution, it will be necessary to negotiate a revision of its Treaty arrangements so far as this may be required in the new situation."

14. Sir S. Cripps informed a press conference[6] that the treaties with the States fall roughly into two divisions, one concerning paramountcy, the other concerning economic matters. "Whether the Indian States adhere or not, those economic matters will clearly have to be adjusted with the Indian Union and not with the British Government. So far as paramountcy is concerned, the paramountcy clauses will not be interfered with unless at the request of any particular State." A statement to similar effect was made to the delegation from the Chamber of Princes,[7] and Sir Stafford added that as regards the non-adhering States there is no intention of revising their Treaties in so far as their relationship with the Crown is concerned except with their consent.

15. The Crown's undertakings to the States cover broadly:—(*a*) protection of their territories against external aggression, (*b*) protection of their dynasties against internal disruption ("... My determination ever to maintain unimpaired the privileges rights and dignities of the Princes of India. The Princes may rest assured that this pledge remains inviolate and inviolable". King George's proclamation of 1921), (c) protection of certain rights of a primarily economic character in respect e.g. of Salt, Posts and Telegraphs, Customs, currency. Sir Stafford Cripps' first division, "concerning paramountcy", would cover (a) and (b), the second division would cover (c).

16. The position of the Chamber of Princes, following Sir S. Cripps' visit, was defined in a letter from the Chancellor dated 10th April, 1942,[8] which enclosed copy of a Resolution passed by the Chamber previously to the visit, including the passage:—"any scheme acceptable to the States must effectively protect their rights arising from Treaties, engagements, and Sanads, or otherwise, and ensure the future existence of the Sovereignty and autonomy of the States thereunder guaranteed, and leave them complete freedom duly to discharge their obligation to the Crown and to their subjects".

[6] See Vol. I, No. 440, p. 542. [7] See Vol. I, Enclosure to No. 527, p. 650.
[8] Vol. I, No. 591.

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17. The Chancellor of the Chamber, in a letter of the 1st June[9] to the Crown Representative, referred to the above passage in the Declaration which, despite the elucidation offered by Sir S. Cripps, gave, he said, the impression that a *compulsory* revision was intended, and suggested that even if some revision were to be necessary, it could be done by *supplemental* treaties, freely negotiated, without touching the original treaties.

18. The matter was considered by the Cabinet and the Political Secretary in reply[10] reaffirmed that the fulfilment of the fundamental obligations arising out of the Treaties and Sanads remains an integral part of His Majesty's Government's policy; he added that the use of the word "negotiate" implied that no unilateral denunciation was intended, and pointed out that Sir S. Cripps was at pains to make it clear to the Princes that the Treaties of non-adhering States would not be revised without their consent.

19. In a letter of the 3rd December, 1944,[11] to the Chancellor, the Political Secretary, replying to representations on various subjects, said in respect of Treaty Rights:—". . . there has been no change in the policy of His Majesty's Government towards the Indian Princes since Sir K. Fitze wrote . . . that 'the Indian Princes may rest assured that the fulfilment of the fundamental obligations arising out of their Treaties and Sanads remains an integral part of His Majesty's Government's policy'. I should of course add, what Your Highness already well knows, that the interpretation of the text of relevant Treaties has long been affected by usage and sufferance and has in the nature of things to be related to the necessities of changing times. The concern of His Majesty's Government and of the Crown Representative for the status, and interests of the Indian Princes remains, however, unchanged and as deep as ever . . ."

20. It is clear from these references that there is no logical obstacle in the way of the Princes entering a Constitution-making body, by participation in which they would not in any way be committed. But so apprehensive are they on this whole subject of Treaty Rights that they may well demand some prior *public* statement formally reaffirming what has been said in correspondence and conferences in elucidation of the bald statement in the 1942 Declaration.

D. *Nature of the areas which are to have local option*

21. This point also did not emerge prominently in the oral discussions of 1942 with political leaders. At a press conference[12] Sir S. Cripps made it clear that the decision as to accession should rest with each Province as a whole and as now delimited: "You have got to take some existing undisputed area. If you have to settle the areas which can secede afterwards, the various communities will try to create areas in which their communities are a majority and you will get no nearer a decision". The Moslem League however (Resolution of 11.4.42)

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expressed their dissatisfaction with an arrangement based on "the existing provinces which have been formed from time to time for administrative reasons and on no logical basis". On the other hand the Sikh All-Parties Committee (letter of 31.3.42)[13] protested against a majority decision being allowed to the Punjab as a unit and claimed that the population of any area opposed to separation should have the right to form an autonomous unit.

22. The Congress Working Committee (Resolution of 11.4.42) said that they could not think of compelling the people of any territorial unit to remain in an Indian Union against their declared and established wish; at the same time every effort should be made to create conditions which would help the different units in developing a common and co-operative national life; this implied that no changes should be made which would result in fresh problems being created and compulsion being exercised on other substantial groups within that area. Each territorial unit should have the fullest possible autonomy within the Union consistently with a strong National State.

23. There are of course other claims advanced in various Hindu quarters for the readjustment of existing Provincial boundaries on a basis of linguistic or racial affinities e.g. an Andhra and a Maharashtra Province. It may well be impracticable, at least for His Majesty's Government beforehand, to depart from the existing Provincial boundaries and inconsistent with the basis of the Declaration. It is questionable, however, whether a redistribution of the Provincial boundaries (with a consequent alternation [?alteration] of the areas exercising local option) can be excluded from the agenda of the constituent body. But the great difficulties, particularly in the case of the Punjab, in adhering to the existing Provincial areas as the units to decide on accession is demonstrated by Lord Wavell in the paper I.B. (45) 6.[14]

E. *Method of exercising the right of non-accession*

24. The Draft Declaration acknowledged "the right of any Province of British India that is not prepared to accept the new constitution to retain its present constitutional position". Sir Stafford Cripps in his interview with Mr. Jinnah[15] explained his proposal that each Province should reach its decision by a vote of the Legislature on a resolution that the Province should join the Union, and that, failing a majority of 60% in favour of the resolution, the minority should have the right to demand a plebiscite of the adult male population. He stated a similar view when the question was raised at a press conference.[16] The plebiscite would decide the issue by a bare majority.

[9] Vol. II, No. 115. [10] See Vol. III, No. 309, note 4.
[11] Vol. V, No. 98 as amended by No. 118. [12] See Vol. I, No. 440, p. 539.
[13] Vol. I, No. 467. [14] No. 82. [15] Cf. Annexure I to No. 37.
[16] See Vol. I, No. 440, p. 539.

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25. Both Moslems and Sikhs objected, the Moslem League (resolution of 11.4.42) claiming that on the principle of self determination the decision should be reached by plebiscite among the Moslem population alone, while the Sikhs (letter of 31.3.42) demanded for their community the right to settle their future by their own plebiscite.

26. The Moslem League have re-iterated their claim that the plebiscite should be confined to Moslems only. A contrary decision will therefore be likely to cause difficulty—but it is manifestly unfair for example in the Punjab that the future of 28 millions should be settled by those representing only the Moslem majority of 16 millions.

27. Is it desirable that the plebiscite should be carried out by the *adult male* population? Would it not be more appropriate in Indian conditions, for the voting to be exercised by the total *electorate*, male and female, of the Provincial legislature?

F. *Future of non-acceding Provinces*

28. The Draft Declaration accorded "the right of any Province of British India that is not prepared to accept the new Constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides"; and went on to state that "With non-acceding Provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new Constitution, giving them the same full status as Indian Union".

29. The Sapru–Jayakar memorandum[17] took exception to this as part of their objection to the division of India. Questioned at Press conferences[18] Sir S. Cripps made these points:—

(*a*) There is no question of the British Government financing a new Dominion. Financial stability will not be a pre-requisite, but the Provinces will have to decide, before they decide not to accede, whether when they have not acceded they can support themselves financially.

(*b*) Whether the non-acceding Provinces will continue to be governed by the Government of India Act, 1935, is a matter for their own choice. They would naturally be so governed at the immediate outset after the new Union comes into being.

(*c*) Two contiguous Provinces may form a separate Union—but not two widely separated areas.

(*d*) Presumably two new Unions would decide to effect a mutual rearrangement of boundaries and an exchange of population so as to get the larger majority in each.

30. In regard to the first part of the Draft Declaration quoted above (paragraph 28) the present constitutional position of a province presupposes the

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existence of a Central Government for the whole of British India (whether the Governor-General in Council or a Federal Cabinet), and it is difficult to see how, when this has been replaced by a new constitution, the Province could retain its present constitutional position.

31. Again, the subsequent passage of the Draft Declaration presumably means that any non-acceding Province can claim the status of the major Indian Union and therefore that there might be two or several mutually independent Unions. But clearly there are difficulties. A group of Provinces in the North West combining into a Pakistan might justifiably claim full "Union" status; but is it conceivable to contemplate conferring similar status on, say, a small Province like Assam if it should stand out in isolation? Is it conceivable that such an area, considering its geographical and economic position, could maintain an independent status in relation not only to neighbouring Indian territories but also to the outside world? Or would it, voluntarily or by force of circumstances, accept the control of its foreign relations, and therefore to some extent of its internal affairs, by the major India Union? The same fate would doubtless fall to it in respect of defence, for it could hardly look to His Majesty's Government to support it against its neighbours.

G. *Future of non-acceding States*

32. On this the Draft Declaration is silent.

Sir S. Cripps informed a Press conference[19] that "there is no contemplation of any Dominion being set up which consists solely of Indian States". The Princes raised the matter in discussion with him[20] and were told that there had been no decision on the question whether they could themselves form a free and independent union if they chose, that is to say, whether His Majesty's Government would give up paramountcy if they formed such a union.

33. The Princes have subsequently reverted to the point but His Majesty's Government have never committed themselves on it. The difficulties of forming a Union composed only of States are formidable—their geographical situation in relation to one another, the political backwardness of the majority and the lack of any real experience in co-operation *inter se*, the lack of resources for self-defence. But assuming that there are some that do not accede, will their present relationship with the Crown continue? Will there still be a Crown Representative controlling a service of political officers? What will be the instrument for enforcing paramountcy—will there be troops at the disposal of the Crown Representative, their mobility assured (with the concurrence of the Indian Union) by air power?

[17] Vol. I, No. 526. [18] See Vol. I, No. 440, pp. 539–40, 542. [19] See Vol. I, No. 460.
[20] See Vol. I, Enclosure to No. 527, p. 648.

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H. *Attitude of His Majesty's Government to the conclusions of the constitution-making body*

34. The Draft Declaration stated that, subject to the exercise of the right of non-accession and to the signing of a Treaty, His Majesty's Government undertake to accept and implement forthwith the constitution framed by the constituent body. Sir S. Cripps reaffirmed this to a Press conference:[21] "as soon as the constitution is settled everything will be transferred to India. If some Provinces decide not to accede, then so far as they are concerned they will not be parties to the constitution".

35. Is any such undertaking to be given now if asked for? Sir S. Cripps assumed at the time that all the Provinces (and presumably at any rate the majority of the States) would be associated with the framing of the constitution. But supposing the Moslems refuse participation in the constitution making body; will the result of the deliberations of a one-sided and only partially representative body be accepted without careful consideration of the consequences? Would it not be imprudent to made [make] any general and unqualified commitment at least until the constitution making body has been got going on a satisfactory basis?

I. *What means are to be adopted for the recognition and protection of minority rights.*

36. The Draft Declaration contemplated that this should be provided for in the Treaty. Interviewing the Sikhs on 17th March[22] Sir S. Cripps said—"Once granted our desire to allow the Indian peoples complete freedom in determining their own constitution, there was nothing further that we could do to provide protection for the minorities as we could not intervene in the making of the constitution or in its carrying out after the Dominion had been set up beyond insisting upon the observance by the Dominion of its Treaty obligations as regards minorities." And to the Depressed Classes representatives he said[23] that the treaty provisions "would probably be along the lines of the League of Nations minority treaties, and if already there were special provisions in the constitution these would probably be repeated in the Treaty, and there would be some obligation to refer the matter to some outside authority in cases of dispute, the government of the Indian Union undertaking to abide by the decision so given, and that if they did not do so it would constitute a breach of Treaty, whereupon the British Government could take such steps as it considered wise in the particular circumstances".

37. But the history of the League minority treaties and of other treaties providing for the protection of minorities does not encourage hope that this device would be effective in the case of India. What independent body is to arbitrate in disputes? What sanctions will exist for the enforcement of the treaty provisions, and might not the attempt of an outside power to enforce

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them have a prejudicial effect on the position of the minorities? Would it be more satisfactory that the claims of the minorities should be secured by a declaration of their rights in the constitution in which case they should rely on the Courts for their enforcement?

38. The Depressed Classes (letter to Sir S. Cripps from Dr. Ambedkar and Mr. Rajah)[24] said that they must look upon it as a breach of faith if His Majesty's Government should decide to force upon them a Constitution to which they had not given their free and voluntary consent and which did not contain within itself all the provisions that were necessary for safeguarding their interests.

J. *The Treaty*

39. A detailed discussion of the content of the Treaty will presumably not be required in the present connexion. A paper previously prepared on the subject can be made available to the Committee if desired. The Treaty will deal with such matters as Defence, the conduct of foreign relations, financial obligations between the United Kingdom and India, relations with the Indian States, possibly with minority rights (see I above) and the protection of the Services. (On this last point Sir S. Cripps told Press conferences[25] that the safeguards of the Services would be taken over by His Majesty's Government and that this would apply to Indian as well as to British members.)

40. Some consideration might be given at this stage to procedure. The Draft Declaration contemplated that the Treaty would be negotiated with the constitution-making body. But is this appropriate or feasible? Could a Treaty be negotiated with a Conference of 200 persons whose only authority is that they have been elected for the purpose of drawing up a constitution? The Treaty would have to be ratified and implemented by the Government of the new Union which *ex hypothesi* will have been brought into being only on condition of its signature; it should therefore at any rate have been put into shape and signed beforehand by some authority whose signature will be honoured by the Union Government. If the Viceroy should succeed in reconstituting his Council on a political basis, or if a provisional Government of another sort should emerge as the result of Indian initiative, it should be possible to negotiate and conclude the treaty with such a government in the reasonable expectation that it would be honoured by the new Government of the Union.

K. *Commercial safeguards*

41. It is only necessary to recall that Sir Stafford Cripps informed his Press Conference[26] that His Majesty's Government were not going to make any

[21] See Vol. I, No. 440, p. 538. [22] See Vol. I, No. 396; the date should be 27 March 1942.
[23] See Vol. I, No. 442. [24] Vol. I, No. 487. [25] See Vol. I, Nos. 440, p. 544, and 460.
[26] See Vol. I, No. 440, pp. 542, 544.

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condition in the Treaty as regards guaranteeing the vested rights of British interests in India. Similarly he told a deputation of European businessmen[27] that "we had decided, as a matter of principle, that we would not include in the Treaty, which we made a condition of the acceptance of the constitution, any provisions protecting British commercial interests. Such matters will have to be dealt with in a separate treaty which would not be a condition of the granting of the new constitution and would deal with trade matters generally. So far as we could influence the terms of that second treaty we should try and get protection for British commercial interests".

42. It is no doubt right that commercial matters should be covered in a separate treaty, would it not be desirable, however, that the second treaty should be negotiated at the same time as the main treaty so that any merit acquired by His Majesty's Government from the latter may enure to the benefit of British trade by contributing to the negotiation of a favourable commercial treaty?

P.-L.

[27] See Vol. I, No. 398.

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Sir J. Colville to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET
No. 33

THE VICEROY'S HOUSE, NEW DELHI,
9 September 1945

Many thanks for your letter of 28th August.[1] You must by now have had mine of 2nd September[2] which gave an account of events during the first week after I took over.

2. The preparations for the elections have been giving us a good deal of work. The rolls for the Central Assembly are well up-to-date. Revisions were undertaken this year except in four Assam constituencies and in the Ajmer-Merwara constituency, so that generally the new rolls will have been published a very short time before the elections take place. The rolls for the Provincial Legislatures, on the other hand, though valid, are old, except in Bengal where a revision is now in progress. If the Provincial elections are to be completed in time for the normal budget sessions of the Provincial Legislatures, or in Section 93 Provinces, in time for Ministries to take office about the end of the financial year, a general revision is out of the question. But the rules provide for amendments which under the direction of the Governor can be fairly

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extensive. The difficulty is that there are eleven sets of rules and eleven Governors, each of them advised by a different expert, and uniform action is not easy to arrange. I am however issuing further instructions which will I hope ensure that the Provincial rolls are brought into pretty good condition everywhere before the elections take place.

3. In the meantime the recent statements by Azad and by the Executive Council of the United Provinces Provincial Congress Committee indicate what may prove to be the Congress policy towards the elections. The statement from the United Provinces is significant because Nehru is a member of the body which made it and was present when it was approved. The Congress idea seems to be that no real advance is possible without adult suffrage, or at least a very widely extended suffrage, at the Centre and in the Provinces, and that there should be no elections until all the electoral rolls, Central and Provincial, have been revised on the new basis. It is alleged that the rolls are now so inaccurate as to be worthless.

These statements came as a surprise, for although Azad protested when elections were announced,[3] the immediate reactions to the announcement were fairly favourable all over India, and only a few days ago Nehru in the Punjab and Azad in Srinagar had made statements about Punjab politics which indicated that the Congress intended to take the elections very seriously.

I cannot say what the Congress intention is. Some people think that the leaders are nervous about the results in the Muslim constituencies and in the constituencies in which seats are reserved for the Scheduled Castes, and are making evidence to justify a possible failure. They may, on the other hand, believe that if they could get the elections postponed they could bring their resources to bear against the Muslim League and at the same time rebuild their own organisation. We shall not know what they really mean to do until after the A.-I.C.C. meeting in Poona later this month. I have telegraphed to Wavell about this development as I think you and your colleagues should know of it before he leaves home. The outlook is rather stormy. There is a good deal of wild speaking and open praise of those who have fought against the British or committed acts of violence in the Congress cause. The Muslim League are saying very little, but Srivastava tells me that he met Jinnah the other day and was treated to a long harangue about an alleged conspiracy between Wavell and the Congress! Jinnah's final remark was that if His Majesty's Government decided to bypass the League, the League would be made for good.

4. There were two Council meetings during the week. At the first we considered only routine matters. The second was concerned with Khare's proposals for an agreement about Indian immigration into Burma. Discussions have been going on between officials, and it seems likely that the Burma

[1] No. 75. [2] No. 85. [3] No. 52.

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Government will agree to re-admit into Burma all Indians who were living there before the Japanese invasion and were evacuated to India. This would be a very valuable concession. As regards the future the Burma Government would probably insist on a quota system of some kind both for unskilled labourers and for immigrants of the other classes—business and professional men, skilled workers, technicians and so on. Khare was himself anxious to accept the result of the official discussions and to try to build an agreement on them. But his non-official advisers took the legal point that the Burma Government, in view of the assurances given in Parliament when the Government of Burma Act was passed, are not entitled to limit in any way the immigration of Indians who are not unskilled labourers. To satisfy non-official opinion Khare was anxious to refer this legal point to you. My colleagues agreed with him by a majority, though several of them felt that Khare was simply asking them to pass on to you the responsibility and odium for a decision that he ought to take himself. We are still very inexperienced in this country in matters of this kind, and to an Indian politician there is little distinction between internal and external affairs. In the long run our relations with Burma, Ceylon and other Empire countries depend upon goodwill and agreement and not upon legal interpretations, and the belief that argument and protest will help is entirely misconceived. Mudaliar spoke sensibly on these lines and said that what was wanted was a sound agreement satisfactory to both parties and not recourse to legal safeguards. I do not think Khare expects a favourable reply to the reference which is being made to you.

5. I hope on 12th September to mention in Council the cases of the 20 odd Central detenus whose release has been under consideration. I have exchanged telegrams with Wavell on this subject and have discussed it at length with the Home Member. In the upshot I think we shall release about half the men, including Sarat Chandra Bose and three other members of the Bose family, and hold the remainder who are terrorists or Forward Bloc leaders. My enquiries about M.L.As. detained in the Provinces are nearly complete. There are 9 in Bengal, of whom two including Sarat Chandra Bose are likely to be released almost immediately; 4 in the United Provinces, of whom two are being released; 3 in the Punjab; and three in Bihar, of whom two are being released. There was also one man detained in the Central Provinces but I understand he is now being released. The number of men whom the Governors wish to hold will not exceed a dozen or so. The two in the United Provinces are described by Hallett as "dangerous dacoits". The Governors have repeated their telegrams to you.

6. I have had no further trouble with Firoz, and my farewell lunch party for him went off successfully. Azizul Haque told Casey the other day that he would like to return to politics in Bengal, and after he got back from Calcutta he

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broached the subject at an interview with me. I do not think he wants to commit himself until he knows what is likely to happen after Wavell's return; but he told me he had a safe seat and need not make up his mind just yet. Srivastava is a little shaky—his doctors have frightened him about the state of his heart, and he will ask for a month's leave very soon after Wavell returns. He has talked from time to time of resigning, and if he means to do so, may make ill-health a reason for it. He told Jenkins the other day that the Congress were nervous about the elections and that he had received messages from Cawnpore asking for his help, so he feels that he could return to active politics if he wished.

7. You will have seen Casey's recent telegram[4] about crop prospects in Bengal. I will do what I can to get him the jeeps and river craft he needs, and Wavell will no doubt be kept in close touch with the situation when he returns. Bengal should be in a much better position than in 1943, for Casey has built up substantial stocks of paddy and rice, and there is now an organization for good distribution which should be able to make reasonably good use of the Provincial resources. Nothing could have a better psychological effect in Bengal than imports of rice from Burma and Siam.

A sudden wheat shortage in the United Provinces is causing anxiety and Hallett sent representatives here during the week to discuss matters with the Food Department. Emergency demands are always difficult to meet because they mean serious interference with normal railway traffic. I understand that Srivastava is doing his best to move considerable quantities of wheat into the United Provinces from Karachi and the Punjab though his stocks are not particularly good.

The Sind Government are anxious to raise their prices for paddy and rice. The Government of India are unable to agree and have told the Sind Government that they think a reduction rather than an increase in prices is needed. The Sind Government may reply offering to maintain the present prices, but if they are obstinate we may have to give them a direction under Section 126–A of the Government of India Act. The Governor does not think any substantial increase justified.

Our anxieties about food will not end until unrestricted imports both of wheat and of rice are possible. Changes in prices and in the flow of supplies to the markets are sudden and sometimes inexplicable, and the only automatic remedy is the knowledge that if foodgrains are not available here they will come from outside.

8. I read with interest the telegrams[5] about the Italian Peace Treaty, and I hope you do not think our official reply was too ambitious. There are obvious arguments against India's participation in a joint trusteeship arrangement. Our

[4] 290 of 7 September. L/E/8/3341. [5] L/P&S/12/4544.

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right to independent representation at international conferences is a little doubtful, and if we took an active part in an arrangement which implies that India is a sovereign State other countries might be more inclined to question our status. Moreover we have great internal problems of our own, and with the constant political turmoil here we can hardly claim to guide more backward countries. I am also rather doubtful about the argument that because India is interested in the Muslim countries of the Middle East she should be concerned with the administration of any of the Italian Colonies. Muslim India is no doubt interested, but India as a whole is mainly a Hindu country, and some of any officials we sent abroad would, I think, have to be Hindus. However I saw no objection to the official view being put to you—you will see that we did not suggest consideration of India's claim unless there was strong opposition to the appointment of Great Britain as sole trustee.

9. Casey will be off in the next few days. I hope you will be able to arrange a return air passage for him and Mrs. Casey to bring them back on 9th October. He will be able to give you the latest information about Bengal politics and also about crop prospects. He has in mind some very big schemes for the development of the Bengal rivers, the first of which (the Damodar project) is likely to be taken up before long by the Central Government.

[Para. 10, on Indian showing at international conferences; para. 11, acknowledging Lord Pethick-Lawrence's remarks on the Tass Agency; para. 12, on the Kunar Valley situation; and para. 13, on a special grant for Sir W. Spens, omitted.]

14. I expect that by next week I shall have returned to Poona. It has been a busy and interesting interlude, as quite a lot has been going on.

Once more thank you for your very helpful letter and for your kind wishes.

[PS., on changes in the Kenya Executive Council, omitted.]

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Entry in Mr Casey's Diary (Extract)

Photo. Eur. 48/4

11 September 1945

He [Sir Nazimuddin] went on to speak of Pakistan—and to assure me that it was *not* a bargaining counter.

I talked to him at some length on this and told him that I would be very fearful for the Muslims in India if they got any autonomous form of Pakistan —as they would have a bitterly hostile Hindustan on their flank. I told him that I had had no evidence that the Muslim League had taken steps to work out the

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wide variety of safeguards that could be evolved in order to ensure that Muslim interests would not be subordinated to those of the Hindus. I told him, as I have often told him before, that if they were finally and irrevocably determined to have Pakistan, then I expected that they would get it—but it was my impression that this outstandingly important question (particularly from the Muslim point of view) had had only the most cursory examination and thought given to it. I believed that they relied too implicitly on their leader, Mr Jinnah—and that, apart from whatever thought he may have given to the subject, I did not believe that any other Muslim had really applied himself to the study of the many problems involved—and the many alternatives—and had compared their potential position under Pakistan with what could be achieved by adequate safeguards.

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Cabinet C.M. (45) 30th Conclusions

Those present at this meeting held at 10 Downing Street, S.W.1, on 11 September 1945 at 11 am were: Mr Attlee (in the Chair), Mr Herbert Morrison, Mr Arthur Greenwood, Mr. Hugh Dalton, Sir Stafford Cripps, Mr A. V. Alexander, Mr J. Chuter Ede, Viscount Addison, Lord Pethick-Lawrence, Mr G. H. Hall, Mr J. J. Lawson, Viscount Stansgate, Mr G. A. Isaacs, Mr E. Shinwell, Mr Aneurin Bevan

Also present was: Sir Alexander Cadogan

Minute 1

L/P&J/10/20: f 73

INDIA

(Previous Reference: C.M.(45) 24th Conclusions, Minute 1)[1]

The Cabinet had before them a Report (CP. (45) 155)[2] by the Prime Minister, Chairman of the India and Burma Committee, on Indian policy, to which was attached the draft of a statement proposed to be made by the Viceroy on his return to India.

THE PRIME MINISTER reminded the Cabinet that at their meeting on 20th August they had agreed that Lord Wavell should be invited to return here immediately for discussion of general policy in India. Since his arrival, the field had been thoroughly explored with him and in the result it was now proposed that on his return to India Lord Wavell should make a statement in the terms appended to C.P. (45) 155 and that this should be accompanied, if the Cabinet approved, by a short broadcast by himself.

The discussions had centred round the desirability of making it clear that it was our intention to convene a constitution-making body, as envisaged in the

[1] No. 42. [2] No. 100.

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Cripps offer of 1942, as soon as possible once the results of the forthcoming Indian elections were known. The Viceroy had felt some doubt as to the wisdom of a public undertaking to this effect, but the India Committee had made clear to him that in the view of the Government it was essential to face whatever risks there might be and to give India and the world a clear indication of our intentions without further delay. They had already approved an announcement about the holding of the elections. The statement now to be made by the Viceroy would make it clear that it was our intention to convene a constitution-making body as soon as possible thereafter, that we were proceeding to the consideration of the content of the treaty which would require to be concluded between Great Britain and India, and that the Viceroy had been authorised as soon as the results of the Provincial Elections were made public to take steps to bring into being an Executive Council which would have the support of the main Indian parties.

The following points were made in discussion:—

(*a*) It was suggested that the proposed announcement to be made by the Viceroy might be deferred until a simultaneous announcement could be made in Parliament. It was pointed out, however, that during the long interval before Parliament reassembled there would be great danger of leakage and difficulty in India.

(*b*) Was it wise to refer in the proposed statement to the offer of 1942 in view of the fact that this offer had been rejected at the time and it was now clear that there was a substantial difference of opinion among the main parties?

It was recalled that all the parties had expressed themselves in favour of the 1942 offer which had been rejected in 1942 very largely owing to the circumstances of the time.

After further discussion, the Cabinet:—

(1) Approved the making by the Viceroy of an announcement in the terms appended to C.P. (45) 155 on his return to India.

(2) Agreed that this should be accompanied by a short broadcast by the Prime Minister.

Minute 2

L/Mil/7/19590: f 178

Future Provision of Officers for the Indian Armed Services

The Cabinet had before them a Memorandum (C.P. (45) 137)[3] by the Secretary of State for India, to which was attached a Memorandum by the Commander-in-Chief in India, outlining his proposals for the future officering of the Indian Armed Services. These proposals, which were based on the premise that ulti-

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mately the control of India's Armed Forces would be exercised by an autonomous Indian Government, envisaged the gradual and progressive replacement by Indians of the British element in the officer cadre of the three fighting Services; the future maintenance of that diminishing British element in each Service by secondment from the corresponding British Service instead of by the grant, as heretofore, of permanent commissions into the Indian Services, and the immediate grant (a proposal to which effect had now been given) of a limited number of permanent commissions to Indian officers who were now holding temporary or emergency commissions.

THE SECRETARY OF STATE FOR INDIA said that these proposals, which had the strong support of the Viceroy, were, in his view, the best practical solution of the problem before the Cabinet and desirable from the political angle. The Chiefs of Staff Committee regarded them as acceptable in principle, subject to detailed examination by each of the Service Departments, in consultation, as necessary, with the India Office and with the appropriate authorities in India.

THE SECRETARY OF STATE FOR AIR said that the Air Staff would prefer to speak of attachment rather than secondment. Subject to this detail, which he would discuss separately with the Secretary of State for India, they supported the proposals.

THE FIRST LORD OF THE ADMIRALTY said that the Naval Staff equally supported the proposals, but they were anxious to clarify certain points departmentally. In particular, was secondment to be purely voluntary and, if not, what was its period to be?

After further discussion, the Cabinet:—

Approved in principle the proposals of the Secretary of State for India, subject to subsequent examination of the details as recommended by the Chiefs of Staff Committee.

[3] No. 80.

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Cabinet

India and Burma Committee. I.B. (45) 5th Meeting[1]

L/P&J/10/20: ff 53–62

Those present at this Meeting held at 10 Downing Street, S.W.1, on 11 September 1945 at 3 pm were: Mr Attlee (in the Chair), Sir Stafford Cripps, Lord Pethick-Lawrence, Viscount Stansgate, the Earl of Listowel

[1] Certain amendments to this Minute, made by the Cabinet Office on 12 September 1945, are incorporated in the version printed here.

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Also present were: Field Marshal Viscount Wavell, Mr A. Henderson; Sir Gilbert Laithwaite and Mr J. P. Gibson (Secretariat)

The Committee had before them a paper (I.B. (45) 13)[2] by the Secretary of State for India raising a number of points which it seemed desirable to discuss with the Viceroy before his return to India, regard being had to the discussions with, and the statements made by Sir Stafford Cripps during his mission in India in 1942 insofar as they related to the long-term proposals.

THE SECRETARY OF STATE FOR INDIA at the outset of the meeting took note, and the Meeting agreed, that there was no question today of any final decisions being reached, and that the discussions in the Committee would be purely exploratory in character.

The Committee proceeded to consider the points raised in the paper by the Secretary of State for India as follows:

A. *Method of election of the British Indian element of the constitution making body* (I.B. (45) 13—paragraphs 2–4)

(i) *Who is to preside over the proceedings of the electoral college? Is the Governor-General to take any part, or will the college as a first step proceed to choose their own President?*

The general sense of the Committee was that the college should, as a first step, proceed to choose their own President. While the college would consist of nearly 1,500 people, this was a manageable figure for the purpose and the election of a President by this large number of elected representatives of the Indian people working together would be a first step in the formulation of their own constitution which would be likely to have substantial psychological value.

(ii) *What are to be the qualifications of the candidates to be chosen by the electoral college for the constituent body, and how are they to be nominated? Will they be drawn from the members of the college only or may outsiders be nominated?*

(iii) *The procedure of voting as one body by proportional representation may have unexpected results in the representation of the Provinces and of the various communities unless reliance on communal and provincial solidarity in the voting should prove to be justified.*

The Committee decided to deal with these two questions together.

The following points were made in discussion:—

(1) "*Proportional representation*" in this context was not used in its strictly technical sense. The object of the reference to it had been to indicate that the constituent body should reflect the communal and other proportions of the electoral body by which it was being formed. Lord Wavell undertook to arrange for proposals as regards the actual technique of election on this basis to be worked out in India and sent for consideration to the Secretary of State for India.

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(2) There was general agreement that it was unnecessary to lay down in advance *how the candidates were to be nominated.* The sense of the Committee was, however, that provision must be made for the election, if necessary, of a certain proportion of the Constituent Assembly from outside the members of the electoral college. The possibility that important leaders, whether Hindu or Moslem, would not in fact stand for election to the Provincial Legislatures could not be overlooked. *It was felt that* the point would be sufficiently protected with a provision that not less than 75 per cent of the constitution making body should be nominated from within the body. It was, of course, of great importance that the constitution making body should mainly consist of elected persons.

Procedure. It was recognised that difficult questions of procedure might arise even in connection with the elections to the constitution making body. It was pointed out that large bodies of this type usually had a Working Committee to assist them. The importance, on the other hand, of leaving no opening for critics to suggest that His Majesty's Government were endeavouring to rig the 'X' elections by laying down that they must be conducted on a particular basis, was recognised. *The general feeling was* that it would be best to leave it to the Assembly [?electoral college] to work out the preliminary procedure to govern elections to the electoral college [?constitution making body]. The electoral college, when nominated [?convened], would almost certainly need Standing Orders and it would be desirable, consistently with safeguarding the point at 'X' above, that some degree of technical guidance should be provided for them.

LORD WAVELL said he would consider whether it would not be well that when he came to discuss these matters with Indian political leaders he should have available suggestions in general terms for the working of the electoral college which he could communicate to them.

THE SECRETARY OF STATE FOR INDIA pointed out the importance of deciding whom the persons to be elected to the electoral college [?constitution making body] were to represent. The risk that if no specific provision were made in advance certain of the less important Provinces or areas might find themselves wholly unrepresented in the electoral college [?constitution making body] could not be overlooked. *The general feeling of the Committee* was that the point was not of very substantial importance and that in practice working arrangements would be devised by the electoral college which sufficiently protect it.

B. *Representation of the Indian States in the constitution making body.*
(I.B. (45) 13—paragraphs 5–12.)

The Committee proceeded to consider the method by which the States' representatives in the constitution making body might be appointed.

[2] No. 101.

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THE PRESIDENT OF THE BOARD OF TRADE said that he had made it clear in India in 1942 that His Majesty's Government contemplated that each Indian State would use the best method available to it for finding peoples' representatives, i.e. election, if there were a representative body capable of election—if there were not, nomination by the Ruler.

In the discussion which followed *it was generally agreed*

(a) That the larger States which were entitled to elect more than one representative should make their own arrangements within the terms of Sir Stafford Cripps' statement of 1942 for election on the agreed population basis. The remaining States would in practice have to get together as a Chamber and elect a body of representatives again on the agreed population basis.

(b) The Committee noted that there might be pressure, on the lines set out in paragraph 6 of the Secretary of State's Memorandum, by the Congress Working Committee that the people of a State should have a voice in choosing those representatives, and that nomination by the Rulers might be objected to. *The general feeling of the Committee* was that it was impossible to ignore the existence, and the present constitution of the States, and that Congress would in practice be obliged to accept the facts of the situation in dealing with this matter. It should not be overlooked that the States were in a position to provide material which on occasion might be of the greatest value in subsequent negotiations if they chose representatives of the right type.

(c) THE SECRETARY OF STATE FOR INDIA said that under the terms of the Cripps offer the Indian States would be invited to appoint representatives in the same proportion of their total population as in the case of representatives of British India as a whole. It was calculated that the number of States which would be available on the accepted population basis might be taken as about 50. If any substantial proportion of the British Indian vacancies were for any reason not filled owing to Parties or Provinces declining to take part in the Constituent Assembly, would any reduction in the maximum admissible to the Indian States under the terms of the declaration be necessary?

The Committee agreed that the mere fact that a certain percentage of the British Indian seats might remain unfilled would not involve any corresponding automatic reduction in the maximum number of seats which would fall to be filled by the States under the Offer. It went without saying, of course, that if abstentions on the British India side were of such a scale as to exceed, say, 50 per cent of the British Indian seats, it would no longer be possible to regard the resultant body as a Constituent Assembly and that a new situation would arise which would have to be considered in the light of the circumstances.

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C. *Assurances to Princes regarding their Treaty rights.*
(I.B. (45) 13—paragraphs 13–20)

LORD WAVELL said that he expected immediately on his return to India to receive a deputation of the reconstituted Standing Committee of the Chamber of Princes which he had no doubt would press for a further re-affirmation of the assurances already given to the Princes as regards their Treaty rights. In his view, we had been far too generous in the assurances which we had given on this point. He had himself endeavoured since he had been Viceroy to decline to accede to demands from Their Highnesses for still further assurances, but the Princes continued to press insistently for them.

THE PRESIDENT OF THE BOARD OF TRADE said that in his judgment the Princes had already received all conceivable assurances. The 1942 declaration had brought out that whether or not an Indian State elected to adhere to the Constitution, it would be necessary to negotiate a revision of its treaty arrangements insofar as this might be required in the new situation. In his discussions in India, in 1942, he had however made it clear that so far as paramountcy was concerned, the paramountcy clause would not be interfered with unless at the request of any particular State, and that as regards the non-adhering States there was no intention of revising their Treaties insofar as their relationship with the Crown was concerned except with their consent.

While we were bound by the assurances we had given, the practical point before the Princes which they showed great reluctance to recognise, was that Treaties which were now 80 to 100 years old were by efflux of time and change of circumstances ceasing to be appropriate to the conditions of the modern world. Thus paramountcy itself essentially derived from the fact that we were the paramount power in British India. If a situation arose in which India acquired an independent status, certain of the obligations, which we had undertaken in quite different conditions, would clearly no longer admit it [of] being discharged. Their revision, though by negotiation, would have to be considered.

LORD WAVELL said that his own feeling was that, at the point things had reached, we ought to be perfectly frank with the States. Our present attitude was open to the criticism that it was not really straightforward. We knew that we could not in certain circumstances implement our formal obligations and the States were well aware of that. He thought that there was everything to be said for frankly warning them that in face of the changes that had taken place there were very definite limits to the extent to which we could honour obligations given in quite different circumstances. If the desirability in principle of a frank statement of this character was accepted, and he thought the case for it very strong, we ought to decide at what stage we should come into the open and make it. Since Sir Stafford Cripps' Statements in 1942 further assurances

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had been given to the Princes in deference to pressure from them. In particular, with the approval of the Cabinet, the Princes had been assured that the fulfilment of our fundamental obligations arising out of the Treaties and Sanads remained an integral part of His Majesty's Government's policy, and that no unilateral denunciation was intended. The Committee would have in mind that full consideration would have to be given in connection with any such statement to the special relationship of the States with the Crown. If we were to adopt the line which he had just been discussing, it would be necessary to take His Majesty's Pleasure before he, as Crown Representative, could move in the matter.

THE PRESIDENT OF THE BOARD OF TRADE suggested that the essential basis of our approach to the Princes in this matter would be that certain of their Treaties were out of date by reason of changes of circumstances since they had been negotiated and that it was essential for them to reconsider their position, *vis-a-vis* both His Majesty's Government and of India.

The suggestion was made in this connection that while it might be difficult for us unilaterally to denounce our Treaties with the States, even though obsolete, without the risk of misunderstanding, our hands would be greatly strengthened were we to associate the World Organisation with action on these lines. Might we not, for example, suggest that we would not vary the terms of Treaties except by consent, save in cases in which we had to refer to the World Organisation as to the question whether in the new circumstances of the world there was a case for such variation?

LORD WAVELL doubted if the suggestion that the World Organisation should be brought in would commend itself to the Princes who would certainly claim that this was a betrayal of our undertakings to them.

THE PRIME MINISTER, after further discussion, said that he doubted whether there would be advantage in bringing in the World Organisation in the present circumstances.

THE COMMITTEE agreed.

The general sense of the Committee was that there was force in the Viceroy's view and much to be said for facing up to this issue with the Princes. The Secretary of State for India was invited to prepare a paper reviewing the practicability of action on the lines proposed by the Viceroy, on the basis of which a submission could, if necessary, be made to His Majesty.

D. *Nature of the areas which are to have local option.*
(I.B. (45) 13—paragraphs 21–24).

THE PRESIDENT OF THE BOARD OF TRADE said that he had made it clear in India in 1942 that the decision as to accession should rest with each Province

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as a whole and as now delimited. The arguments for this were obvious. Unless we worked on the basis of some existing delimited area it would be impossible to reach finality, at any rate save after very great delay. He had also, however, remarked in his discussions in India that if agreement were to be reached on some other method in the Constituent Assembly there was no reason why such other method should not be adopted.

LORD WAVELL pointed out that no provinces except perhaps the Northwest Frontier Province and Sind were likely to be able to show a sufficient majority either way. We should not overlook the probability that if the Indian parties were unable to agree, they might take the line that as His Majesty's Government were still in charge of the affairs of India any adjustment of boundaries must be made by us.

It was pointed out in this connection that while on the one hand we might be giving a narrow majority the right of taking an area from a large minority, it was not necessarily a disadvantage, particularly in the initial stages, to have large minorities in areas on both sides of the line, since this would be likely to make for more considerate treatment of such minorities by the majority.

E. *Method of exercising the right of non-accession.*
(I.B. (45) 13—paragraphs 24–27).

The following points were made:—

(1) The Committee agreed that the decision as to whether a province could vote itself out of the new Constitution could not be taken as claimed by Mr. Jinnah, on the vote of a single community, but must be on the vote of the province as a whole. Sir Stafford Cripps said that the Moslems had in discussion with him in India agreed that they would not dispute the issue if there were a 60 per cent majority.

(2) It was also agreed that it would not be possible to restrict any plebiscite to the adult male population. It must be open to the female population to record a vote, though the administrative difficulties involved in handling a plebiscite of the adult population and particularly of the female population were accepted.

(3) THE SECRETARY OF STATE FOR INDIA suggested that the only practicable method of ascertaining the views of the area affected was on the basis of the electoral votes for the Provincial Legislatures. The enquiries of the Franchise Committee[3] and the Joint Select Committee[4] had shown that the present electorate represented about the maximum that it was admissible to poll and that adult suffrage was not practical politics.

[3] The Indian Franchise Committee, 1932. For its report, see Cmd. 4086.

[4] The Joint Select Committee on Indian Constitutional Reform, 1933–4. For its report, see H. of C., 1933–4 Session, Paper 5.

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THE PRESIDENT OF THE BOARD OF TRADE suggested that a referendum of the whole population would be preferable, but Lord Wavell made it clear that the Moslems and the Sikhs refused to accept that principle.

(4) Discussion took place as to the desirability of taking steps to make it clear that Jinnah's claim that the decision should be by the vote of the Moslem Community was not accepted. It was suggested that the Viceroy might bring this out in the statement with which he proposed to accompany the official announcement approved by the Cabinet. Some members of the Committee felt, on the other hand, that the issue was too important to be dealt with in this manner. Lord Wavell thought that it would probably be better to refrain from any positive action now. If in due course it proved that difficulty and misunderstanding were arising on this issue the opportunity of some public statement could be taken by him to make the position clear.

F. *Future of non-acceding Provinces*
(I.B. (45) 13—paragraphs 28–31)

The Committee took note that in the declaration of 1942 the right of any Province of British India that was not prepared to accept the new Constitution to retain its present constitutional position, provision being made for its subsequent accession if it was desirable, had been accepted. The declaration had also recorded that His Majesty's Government would be prepared to agree with any non-acceding Provinces which might so desire upon a new Constitution giving them the same full status as the Indian Union.

THE SECRETARY OF STATE FOR INDIA pointed out the practical difficulty of the situation that might result if three or four Provinces were to stand out. For how long was such a state of affairs to continue? Presumably at that point the Provinces which had acquired Dominion status would fall to be handled by the Dominions Office and by a separate form of Government? It would, on the other hand, presumably be necessary to retain the Viceroy, and the whole machinery of the Government of India, temporarily in respect of the balance. It would also clearly be necessary to retain the Crown Representative in respect of such States as might decide not to accede?

LORD WAVELL agreed with the Secretary of State and illustrated the intricacy of the administrative problems which would arise by the example of the railways.

THE PRESIDENT OF THE BOARD OF TRADE suggested that the period for which it would be necessary to retain special arrangements for non-acceding Provinces need not necessarily be so very long. We should proceed to call a Constituent Assembly to cover their case once the situation arose.

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After further discussion *The Committee* accepted the force of the difficulties referred to by the Secretary of State for India, but felt that they must be faced.

G. *Future of Non-acceding States*
(I.B. (45) 13—paragraphs 32–33)

THE PRESIDENT OF THE BOARD OF TRADE said that he had in 1942 informed a Press Conference in India that there was no contemplation of any Dominion being set up which consisted solely of Indian States. There were obviously strong objections to a Dominion of such a character and he felt that we ought to do nothing to encourage the States to think that it was practical politics.

The Committee agreed.

H. *Attitude of His Majesty's Government to the conclusions of the Constitution making body.*
(I.B. (45) 13—paragraphs 34–35).

THE SECRETARY OF STATE FOR INDIA said that a difficult question arose in this connection. We did not in the first place know how representative the constitution making body was going to be. Suppose that the Moslems and a substantial number of States refused to have anything to do with it, could we regard the resultant body as more than partially representative, and could we safely accept its conclusions without careful consideration of the consequences? Might it not be wiser to avoid any general and unqualified commitment at least until the constitution making body had been got going on a satisfactory basis?

THE PRESIDENT OF THE BOARD OF TRADE suggested that the conclusions of this body were of less importance since, on the hypothesis, whatever scheme of government for British India was devised by it would fall to be accepted and the implementing of the conclusions would thus be a matter for Indians themselves. Even in the extreme case of a Moslem boycott of the Constituent Assembly, difficulty need not necessarily arise since we would, in these circumstances in practice have a division of India into Hindustan, which could have the benefit of whatever constitutional arrangements might have been agreed, while we should have to make separate arrangements to consider how to deal with the balance which would substantially be Pakistan. But we must avoid giving the Moslems any reason to think that by standing out they could get better terms than they would by coming in. He thought himself that the best hope of getting the Moslems into the constituent body was to bring home to them that they could not stop its proceedings by boycotting it.

THE VICEROY said that he could not agree with Sir Stafford Cripps. He felt that the Moslems could only be brought in by some concession over procedure.

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It would, in his judgment, be out of the question in a vital matter such as this to override Moslem opinion. His own feeling was that we should not hurry to give an assurance in too precise terms and should consider nearer the time how best to steer our course between the two extremes.

The Committee accepted the Viceroy's view.

I. *What methods are to be adopted for the recognition and protection of minority rights.*
(I.B. (45) 13—paragraphs 36–38)

THE PRESIDENT OF THE BOARD OF TRADE said that this was essentially a Treaty question. The advice that he had given to minorities was that their best chance of protecting their position was in the Constituent Assembly. They should go to that body and see what protection they could get. We had made it clear that we were prepared to protect minority rights by Treaty, and we could, of course, make formal provision to that effect, but how far that should go was a matter for discussion. He thought himself that the Hindus were ready to adopt a most liberal attitude towards the claims of the minorities.

THE SECRETARY OF STATE FOR INDIA said that he felt that there was some unreality in our approach. We could not ignore the fact that, in practice, no outside body, whether the World Organisation or any other, was likely to be able to give effective protection to the minorities, though he quite agreed that the World Organisation, if it had United States and world support behind it, might be able to make a useful contribution.

LORD WAVELL said that the minorities, in the light of experience during the period of Congress Government from 1937–1939, were extremely sensitive on the matter of their protection and that this point was likely to prove one of great importance in practice.

J. *The Treaty*
(I.B. (45) 13—paragraphs 39–40).

LORD WAVELL enquired with what body the Treaty was to be negotiated. Surely not with the constitution making body?

THE PRESIDENT OF THE BOARD OF TRADE suggested that if we could agree the content of the Treaty with the constitution making body which would agree that the new Government of India would sign, which it would do once it came into being, that might meet the case. In fact, we were almost bound to have in power in the new Government of India whatever party had proved to be in power in the constitution making body.

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K. *Commercial safeguards*
(I.B. (45) 13—paragraphs 41–42)

THE PRESIDENT OF THE BOARD OF TRADE said that British commercial interests were perfectly prepared to accept that commercial matters should be covered in a separate Treaty, which would, of course, have to be with the new Government when constituted.

Miscellaneous Points

LORD WAVELL enquired on what basis it was contemplated that he should determine the composition of the group of political leaders with whom he was to conduct discussions once the Provincial Elections had taken place? Had the Cabinet any very strong views in this matter or would they be prepared to leave it to him to put up a scheme? *The general sense of the Committee was* that, while it should be left to the Viceroy to evolve a scheme for consideration, it would be desirable that to start with the group should include the Prime Ministers and Leaders of the Opposition from each Provincial Government and that the Viceroy should aim at a balance of parties with adequate representation of the smaller minorities.

Freedom of Elections

THE PRESIDENT OF THE BOARD OF TRADE suggested that it would be a good thing if the Viceroy could on an appropriate occasion emphasise the importance of ensuring full freedom of election in the forthcoming elections for the Central and Provincial Legislatures. We had laid great emphasis on this in dealing with other countries, and it was most important that we should work to the same principles in the case of India.

LORD WAVELL said that he would certainly do what he could in this matter, but the Committee would realise the reasons for which he did not feel very optimistic of producing any marked effect. They would in particular have seen that the Congress now talked of boycotting the Elections unless they could be conducted on the basis of adult suffrage and a completely new Electoral register.

Farewell to Lord Wavell

At the conclusion of the Meeting, the Prime Minister warmly thanked the Viceroy, on behalf of the Cabinet, for visiting London and for all the help which he had given them and tendered their wishes to the Viceroy for success in the months that lay ahead.

LORD WAVELL briefly thanked the Prime Minister and the Cabinet for their good wishes and expressed his appreciation of them.

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Minutes by Mr Gibson and Mr Patrick

L/P&J/8/683: f 3

11 September 1945

U.S.S.

I do not know that Dr Mookerjee's letter[1] requires a lengthy note. The Mahasabha claim is familiar. Some of the arguments used are special pleading and faulty in fact; the basic argument remains the elemental one, that settlement on "democratic" principles means counting heads, and denial of power to the Hindu majority proportionate to their numerical preponderance is injustice. However much we dislike them in principle, the Communal Award and separate electorates are an established fact, and H.M.G. cannot get away from them in its proposals for setting up a constitution-making body. If Indians can agree on an alternative plan beforehand, well and good; the fundamental issue will come before the constitution-making body and is one for Indians themselves to determine. Dr. Mookerjee has little real cause for complaint; the Hindus *are* in the predominant position in India; and all the constitutional devices of weightage, separate electorates &c, galling though they may be to the Hindus are only means to check, in the interests of the minorities to whom H.M.G. are pledged to see a fair deal, the abuse of that predominant position for the oppression of the weaker parties.

J. P. G.
11/9

We have never extracted from India a clear appreciation of the political strength of Hindu Mahasabha. It would appear in many respects to overlap Congress and is probably strongest in Provinces like Bengal where the Hindus are in minority. There is formal logic but perhaps not practical politics in Dr. Mookerjee's contention (bottom of page 164)[2] that a settlement between the Moslem League and Congress does not settle the Hindu–Moslem problem. But whereas Congress has gone through the motions (via Rajagopalachari) of seeking agreement with the League, there are no signs of Hindu Mahasabha having attempted to reach an understanding on the principles set out at the top of page 164 [lines 11–15].

Dr. Mookerjee, as Mr. Gibson points out, twists the facts even though his object is apparently sincere. I doubt if it would serve the interests of India to attempt to do business with Hindu Mahasabha and artificially enhance its bargaining status. Its leaders, at feud among themselves, would merely act as a stalking horse for Congress.

P. J. P.
11/ix

[1] No. 71. [2] The references have been altered to conform with the present volume.

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Lord Pethick-Lawrence to Mr Attlee

L/P&J/10/20: f 46

INDIA OFFICE, *13 September 1945*

Secretary of State's Minute: Serial No. 9/45

Prime Minister

The Viceroy's Broadcast

Your Secretary conveyed to me your message about the draft of the Viceroy's broadcast which was appended to my minute of the 11th September, No. 8/45.[1] I spoke to the Viceroy about it and before he left this morning he gave me the attached revised version.[2] He may, however, wish to make some minor emendations of wording when he gets back.

You will see that the fourth sentence of the second paragraph, to which you drew particular attention, has been altered.[3] I gather, however, that your feeling was that the text did not read at all well. I found it a little difficult to get it totally re-drafted as I ascertained that the Viceroy had drafted it himself. If there is in the revised draft any point which you feel it important to have altered I could no doubt telegraph it out to the Viceroy.[4]

PETHICK-LAWRENCE

[1] Not printed. Mr Attlee's message was to the effect that he did not consider the draft for the Viceroy's broadcast 'at all satisfactory' and that he asked for a 'revised and improved' draft to be submitted. Rowan to Turnbull, 11 September 1945. L/P&J/10/20: ff 47–51.

[2] This was identical with the last four paragraphs of No. 116, except for the amendment mentioned in note 4 below. L/P&J/10/20: f 44.

[3] This sentence, which became the seventh sentence of the eighth para of No. 116, read originally: 'The draft declaration of 1942 proposed a method of setting up a Constitution Making Body, which may give a basis on which the Constitution Making Body may be built.'

[4] Mr Attlee minuted in reply: 'The words "chosen representatives of that electorate" are, I think, ambiguous and absurd. He means elected persons. Why not say so? C.R.A. 15.9.45.' At Lord Pethick-Lawrence's suggestion Lord Wavell substituted the phrase 'representatives of those elected' in the sixth sentence of the eighth para. of No. 116. L/P&J/10/20: ff 39, 37.

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Lord Pethick-Lawrence to Sir J. Colville

Telegram, L/Mil/7/19590: f 176

SECRET INDIA OFFICE, *14 September 1945, 9 am*

No. 20364. Your letter dated 5th March No. 38/4.[1]
Future officering of the Indian Forces. H.M.G. have now approved in principle, subject to subsequent examination of details, proposals formulated in C.-in-C's memorandum, and I authorise you to place them before your Council. If accepted by Council, as I trust they will be, you will no doubt wish to make an early announcement which should be synchronised with announcement in this country. I should be grateful if you would telegraph text of proposed announcement in good time for examination here. Since A[ir] M[inistry] wish to keep open question of either attachment[2] or secondment announcement should not commit itself to secondment.

I presume you will in due course forward proposals for detailed conditions of service in amplification of para. 9 of C.in-C's memorandum, or alternatively send a mission to London to discuss such details with the India Office and Service Departments.

[1] Vol. V, No. 297. [2] 'attachment' deciphered as 'veto'.

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Note by Military Intelligence (Extract)

L/WS/1/1506: f 44

SECRET *14 September 1945*

No. 10005/3/GSI (b)

SOUTH EAST ASIA COMMAND AND INDIA COMMAND
FORTNIGHTLY SECURITY INTELLIGENCE SUMMARY NO. 3

6. The Japanese report of Bose's death is also a matter of considerable importance not only in the political arena but also to those concerned with security: the continued existence of "Netaji", possibly underground, would undoubtedly maintain the fervour of the many Jifs, military and civilian, who came under what was almost a spell, while the confirmed end of their leader would probably have something of an opposite effect.

7. The report of Bose's death was received in most quarters in India with sympathy and regret expressed by meetings and *hartals*, but scepticism widely persists. Reactions in Bengal particularly are of interest. It is generally believed

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there that the news has been faked with Japanese connivance and that Bose has gone underground to re-appear at the correct psychological moment, which may be provided by the installation of a National Government or by a decision by the existing Government to take a very lenient view of the treachery of Bose and the I.N.A. Political circles in the province have been greatly interested in the recent news item which alleged that Bose had been seen alive in Saigon after the aircraft accident.

8. Where the report has been generally accepted there is a feeling of disappointment that Bose will now be unable to return to his homeland to take his "rightful place"; that he would have been forgiven by Government is taken almost for granted, particularly in view of the delicate political situation. Bose's case is of course inextricably bound up with the future of captured members of the I.N.A. Press comments in relation to both betray readiness to minimize their offence and to emphasise the patriotic though misguided motives and, in respect of the I.N.A., the extremity and violence of enemy pressure, from which these offences are alleged to have sprung. There is, further, in some papers an undercurrent of malicious satisfaction that Bose and his men found opportunity for this misguided activity. Jawaharlal Nehru, as was to be expected, has aired his views freely on the subject, in mischievous terms. While recognizing the "English approach" to this question he stresses the importance of the "Indian approach".

9. Bose's established death would solve the difficult problem of dealing with him but his patriotism and activities, even though from the wrong side of the fence, are likely to hold an important place in the nationalist mind, particularly that of the young Bengali; one politician even declared that his "legend will continue to inspire the people and steel them in their determination to free India and Asia from Imperialism".

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Field Marshal Viscount Wavell to Mr Jinnah

L/P&S/13/1265: f 37

No. 295/2/G. NEW DELHI, *16 September 1945*

Dear Mr. Jinnah,

You know from my Private Secretary's letter dated August 26[1] the circumstances in which I have not been able to reply until now to your telegram of August 22[2] on the situation in Kashmir, for which I thank you.

[1] Acknowledging No. 55 and saying that Lord Wavell would reply on his return from London. L/P&S/13/1265: f 74.

[2] No. 55.

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I am receiving full reports on the situation and I am satisfied that the accounts which have reached you, as described in your telegram, are exaggerated. I take this opportunity to assure you again that the situation will continue to receive my close attention.[3]

Yours sincerely,
WAVELL

[3] In a letter of 27 September, Mr Jinnah acknowledged this letter but disputed that the reports of the Kashmir situation given in No. 55 were exaggerated. He asked Lord Wavell to appoint immediately an independent and impartial committee of enquiry. In a further letter of 20/21 October 1945, Lord Wavell told Mr Jinnah he had discussed the Kashmir situation with the Maharaja on a recent visit to the State and felt that the conflict of interests, which was causing Mr Jinnah so much concern, was not peculiar to Kashmir. L/P&S/13/1265: ff 38, 33.

III

Note of Meeting between Lord Pethick-Lawrence and a deputation of Labour Members of Parliament on 17 September 1945

L/P&J/8/530: ff 7–11

undated

The Secretary of State received the following Members of Parliament—

Mr. W. Dobbie (Leader)
Mr. R. W. Sorensen
Mr. W. G. Cove
Mr. H. White
Mr. J. Platts-Mills

Mr. Dobbie opened the discussion by giving a comprehensive statement[1] of the views of himself and his colleagues in regard to Indian matters. He expressed their congratulations to Lord Pethick-Lawrence on his appointment and to the Government on their election. He presumed that the invitation to Lord Wavell to visit the United Kingdom was intended to enable the new Labour Government to give the Viceroy their instructions as to the handling of Indian matters in future. The deputation were glad to note the action which had already been taken in regard to political prisoners. They were, however, disappointed that they had not had an opportunity of seeing the Secretary of State either before Lord Wavell reached this country or before his departure.

Mr. Dobbie explained that the five Members of Parliament present represented a considerable number of Labour Members of Parliament and they hoped that the Secretary of State would be able to give them some indication of the Government's intentions in regard to India and that these intentions would be debated at an early date in the House of Commons. They presumed

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that any declaration which might be made in regard to India would be based on the announced policy of the Labour Party as agreed at the postponed 1944 Conference, i.e. that the efforts of the Labour Party should be directed towards bringing about a National Government in India which would rally India to the cause of the United Nations.

The deputation were of the opinion that any declaration should cover the following points:—

(1) An intention to continue the expressed Labour Party policy.
(2) The recognition of full Indian national rights.
(3) The present apparently leisurely policy was not to be the policy of the future.
(4) That the Labour Government will take the initiative to end the present deadlock in India.
(5) That differences of opinion in India will not be allowed to delay progress.
(6) That India will play a full part in foreign affairs.
(7) That we look forward to a full partnership with India in future by treaty or otherwise.

Mr. Dobbie expressed the view that the deadlock cannot be ended by mere promises for the future and that we must convince Indians of our goodwill. He expressed on behalf of the deputation the view that civil liberties must be fully restored in India and that a general amnesty should be given in respect of all political prisoners. He felt that the revocation of Section 93 in the Provinces must be brought about if popular confidence were to be restored. If this were not done the Indian people would see little difference between the present and the former Governments of this country. The deputation were apprehensive that the elections would not be free. They were informed that the election rolls were incorrect and were compiled whilst popular leaders were in gaol and, in the case of Bengal in particular, during the period whilst famine conditions were prevalent. The deputation were of the opinion that a period of two months from the date of announcement of the elections should be given for additions and alterations to the election rolls, and that any attempt to interfere with the elections on the part of officials or others should be regarded with the utmost seriousness.

The deputation urged that the Central Government should be reconstructed on a popular basis immediately and that after the election it should again be re-formed to reflect the verdict of the electorate and should then assume Cabinet form. They also considered that no decision on economic or financial matters should be taken at the present time by the Executive Council without popular backing and that after the elections had been held all such decisions should be subject to the endorsement of the Legislature.

[1] A copy of this statement is on L/P&J/8/530.

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Mr. Dobbie also said that it was his own conviction that when the Indian public were satisfied that we are doing our best to solve the Indian difficulties we should be well on the way to settlement. The present feeling of scepticism in India must at all costs be removed.

Mr. Dobbie also asked that India should be represented at world conferences by respected Indians. He instanced in particular the case of Sir Geoffrey Prior and said that the recent announcement that this official was to represent India at the meeting of Foreign Ministers was calculated to embitter feelings in India.

Mr. Dobbie concluded his remarks by saying that in the opinion of the deputation the case they were urging was in the interest of the United Kingdom quite as much as that of India. Furthermore, they felt that what they advocated merely represented the Election pledges given by many Labour candidates.

The Secretary of State then invited other members of the deputation to express their views. Mr. Sorensen said that Mr. Dobbie had covered virtually the whole of the ground and there was little he could add to what had been said already. He was hopeful of the results of recent and future deliberations by the Government but felt that it was important that the Labour Party as a Party should do its utmost to remove suspicion in India. He emphasised, too, that our approach to the Indian problem would form an important precedent for the solution of other world problems.

Mr. Platts-Mills said that in New Zealand a democratic method of selecting representatives for International conferences was well established, and he felt that the representation of India by European officials such as Sir Geoffrey Prior was laughable. He felt, too, that there was a general uneasiness about the elections since there was a feeling that they were not genuine. He also complained of harsh sentences given to youthful prisoners by tribunals in India presided over by Indian officials. As regards the registers for the elections, he thought that they should be thrown open for challenge and publicity.

In reply to the case put forward by the deputation the Secretary of State expressed his appreciation of their good wishes and said that their comments represented the expressed Labour Party policy. The Cabinet intended to do their best at the earliest possible moment to secure Indian freedom such as that possessed by New Zealand with the right of secession from the Empire if desired. He hoped that India would find mutual advantage in not seceding and felt that, despite past mistakes, the bond of spiritual union between the two nations was recognised by Indian leaders. The Secretary of State thought that if the delegates were put in power they would be doing much the same as the Government were doing at this moment. There was no wish to go back on any pledges but the problem was one of immense difficulty. India is a land divided in many ways and action cannot be decreed from this country by a single stroke of the pen. Complicated processes must be gone through before

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any new Government can be set up. Lord Pethick-Lawrence had no wish to put this forward as an excuse, but facts must be faced. He thought that all sections of responsible opinion in this country are united in favour of the grant of Indian freedom. It must be borne in mind that Indianisation is going on all the time within the Indian Services.

The Secretary of State mentioned that he was himself a delegate at the Round Table Conference when a Labour Government had been in power. Despite the difficulties, he had had at that time a feeling that a workable constitution might have been devised, but it was clear that when the Conservative Government took office there was a complete change in the attitude of the Indian representatives at the Conference. He hoped that the new Labour Government would again be able to secure the cooperation of the Indian Parties. But whilst they were anxious to make a suitable gesture, a new Government cannot be introduced by a single word; a constitution must be built up and handed over in working form.

As regards any possible delay in implementing the Labour Government's policy, the Secretary of State explained that in the first days of his office certain important points had become evident to him. One of these was that the Viceroy was not an ordinary civil servant and that his views must be taken into account. This had been done during his recent visit to this country and the Viceroy's Council were now being consulted by Lord Wavell about the statement which the Government propose to issue. The Secretary of State warned the deputation that the statement might not go as far as some would desire. It was proposed to make the announcement on Wednesday and the Prime Minister would broadcast on that evening. It would have to be left in the last resort to the parties in India to decide how their future is to be determined. Consideration had been given to the question of delaying the statement until the House could debate it but it had been agreed that, as the House was not sitting, it was necessary to make the statement forthwith.

On the point of restoration of civil liberty, the Secretary of State emphasised that he and the Viceroy, as well as the Provincial Governors in India, had done and were doing everything possible to remove restrictions on the parties. As regards the franchise, there was no ban in existence other than that imposed on those sentenced to imprisonment. The ban had been lifted on all or almost all of the various parties in India and subject to the ordinary control of any attempt to incite to violence there was no restriction on the activities of the parties or individuals in India. The Press censorship had, of course, already been lifted.

With regard to the suggestion that a general amnesty should be granted to all political prisoners, Lord Pethick-Lawrence said that broadly speaking all persons detained for political acts have now been released. Any general release was bound up with the whole question of the procedure for dealing with crime in India and the whole matter must be considered in greater detail before any

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decisions could be reached. He reminded the deputation that in conveying instructions to the authorities in India it was preferable that he should work in with them rather than issue orders with which the authorities in India disagreed.

On the question of the release of convicted prisoners which had been raised by Mr. Platts-Mills, the Secretary of State felt that it was impossible to interfere with the whole Indian judicial system which had been built up largely by Indians to meet the special circumstances existing in India. He was, however, fully prepared to investigate any accusations of unduly harsh sentences on boys if fuller details could be supplied. On the further point that the elections in India were not believed to be free the Secretary of State said that to the best of the beliefs of himself and the authorities in India the elections were being made as free as humanly possible. There might be individual cases of faked registers but any British officials who might have been connected with such activities would be subject to exceedingly heavy penalties. He could not deny that some Indian officials might have erred but any such acts were against the orders and intentions of the Government. It had been confirmed from India that the registers were fully open to inspection by all the parties in India and that an opportunity would be given for the revision of the lists.

The Secretary of State said that it was the policy of the Government to reconstitute the Executive Council in India as was shown by the Simla proposals. These had failed but the Government would try again although it must be realised that co-operation must be forthcoming from Indians themselves. Lord Pethick-Lawrence also emphasised that the Government were anxious that the Executive Council should attain Cabinet status. As regards the certification of legislation, it was necessary for someone to pass the budget and similar legislation, and if the parties themselves could not agree to do this there was no alternative but that the Viceroy should do so.

As regards the deterioration of our relations with India, the Secretary of State said that this caused disquiet to him just as much as it did to the deputation and he had no wish to allow the present state of affairs to drift on. He pointed out, however, that a good deal of misapprehension existed in regard to the continuance of Section 93 government in the Provinces since if the majority parties in the legislatures refused to form a government there was no alternative for the Governor but to introduce Section 93. If the Governor were convinced that a stable Government could be formed he had no option but to revoke Section 93 forthwith.

With regard to world meetings, India might be regarded as being "on the stairs". Under the present set-up civil servants occupied high places in India and it might from time to time be necessary for them to be sent to International conferences. They would, however, represent the Indian position and would speak under instructions from the Government of India. It was clear that the

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position would not be entirely satisfactory while the present state of affairs continues.

In conclusion the Secretary of State said that he was anxious to pursue the line suggested by the deputation and they could rely upon him and the Cabinet to do so. It was, however, necessary for him and for them to face the difficulties.

In reply to further points raised by Mr. Sorensen the Secretary of State said that as regards partition the Government would stand by the Cripps declaration. But Mr. Sorensen must await the Statement on Wednesday to see how far, if at all, the Government proposed to modify this. Every possible step was being taken to deal with the possibility of another famine in India and the Secretary of State had himself been in touch with Mr. Casey on this subject. The Secretary of State also assured Mr. Platts-Mills that the Government would do their best in regard to the Black Market in India.

It was agreed that a short statement should be issued to the Press indicating that the Secretary of State had received the deputation.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/10/20: f 15

IMMEDIATE NEW DELHI, *18 September 1945, 11.30 pm*
Received: 18 September, 6.55 pm

1595-S. Superintendent Series. I communicated statement (? approved) by His Majesty's Government to Executive Council this evening. There was no repeat no opposition. Ambedkar and Jogendra Singh expressed views that at some stage His Majesty's Government would have to impose a settlement. Srivastava said that western democracy was entirely unsuited to India, and added with support from Mudie that in absence of settlement on Pakistan issue constitution making would be very difficult. Dalal said he thought satisfactory interim government was solution. He saw no hope of early settlement by large constitution-making body.

2. There were several questions about details of procedure after elections and I replied that details had been deliberately left open at present stage. My colleagues were good humoured though some of them perhaps a little cynical.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/10/20: ff 18–26

MOST IMMEDIATE INDIA OFFICE, *18 September 1945, 10.30 pm*

20649. Superintendent Series. Following is text of Prime Minister's broadcast to be made at 21.15 hours B.S.T. tomorrow. There may be some minor changes of wording.

Begins. 1. The King's Speech at the opening of the new Parliament contained this passage:

> "In accordance with the promises already made to my Indian peoples my Government will do their utmost to promote, in conjunction with the leaders of Indian opinion, the early realisation of full self-Government in India."

Immediately after assuming office the Government turned its attention to Indian affairs and invited the Viceroy to come home in order to review with him the whole situation, economic and political. These discussions have now concluded and the Viceroy has returned to India, and has made an announcement of policy.

2. You will remember that in 1942 the Coalition Government made a draft declaration for discussion with Indian Leaders commonly known as the Cripps Offer. It was proposed that immediately upon the cessation of hostilities steps should be taken to set up in India an elected body charged with the task of framing a new Constitution for India. Sir Stafford Cripps took that offer to India but it was unfortunately not accepted by the leaders of the Indian political parties; the Government is, however, acting in accordance with its spirit and intention.

3. The first step necessary is to get as soon as may be as democratic a representation of the Indian peoples as possible. The war has in India, as in this country, prevented elections being held for a long time and the Central and Provincial Legislatures must now be renewed. Therefore, as has already been announced, elections will be held in India in the coming cold weather. The electoral rolls are being revised[1] and everything possible will be done to ensure a free and fair election. The Viceroy has today made known our intention to follow their election by positive steps to set up a constituent assembly of Indian elected representatives charged with the task of framing a new constitution. The Government has authorised Lord Wavell to undertake preliminary discussions with representatives of the new Provincial Legislatures as soon as they

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are elected to ascertain whether the proposals in the Cripps Offer are acceptable as they stand or whether some alternative or modified scheme would be preferable. Discussions will also take place with the representatives of the Indian States.

4. The Government has further authorised the Viceroy, as an interim measure, to take steps after the elections to bring into being an Executive Council having the support of the main Indian parties in order that India may deal herself with her own social and economic problems and may take her full part in working out the New World Order.

5. The broad definition of British policy towards India contained in the Declaration of 1942, which had the support of all parties in this country stands in all its fullness and purpose. This Declaration envisaged the negotiation of a treaty between the British Government and the constitution-making body. The Government is giving immediate consideration to the contents of such a treaty. It can be said here that in that treaty we shall not seek to provide for anything incompatible with the interests of India. No-one who has any acquaintance with Indian affairs will under-estimate the difficulties which will have to be surmounted in the setting up and smooth operation of a constitution-making body. Still greater is the difficulty which will face the elected representatives of the Indian people in seeking to frame a constitution for a great continent containing more than four hundred million human beings.

During the war Indian fighting men have, in Europe, Africa and Asia, played a splendid part in defeating the forces of tyranny and aggression. India has shared to the full with the rest of the United Nations the task of saving freedom and democracy. Victory came through unity and through the readiness of all to sink their differences in order to attain the supreme object, victory. I would ask all Indians to follow this great example and to join together in a united effort to work out a constitution which majority and minority communities will accept as just and fair, a constitution in which both States and Provinces can find their place.[2] The British Government will do their utmost to give every assistance in their power and India can be assured of the sympathy of the British people.

[1] In tel. 1601-S of 19 September, Lord Wavell suggested the words 'as completely as time permits' should be added here. L/P&J/10/20: f 17. These words were included in the broadcast as made by Mr Attlee.

[2] In tel. 1601-S of 19 September, Lord Wavell suggested the preceding sentence should read: 'I would ask all Indians to follow this great example and to join in a settlement which majority and minority communities will accept as just and fair and in which both States and Provinces can find their place.' Lord Wavell felt that the sentence as it stood might be read as ruling out partition and the right of secession. L/P&J/10/20: f 17. Mr Attlee, however, did not make the suggested amendment to his broadcast.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/E/8/4869: f 124

No. 1142 THE VICEROY'S HOUSE, NEW DELHI,
18 September 1945

Dear Pethick-Lawrence,
I have now considered your letters of 27th August[1] and 5th September[2] about the appointment of a United Kingdom High Commissioner in India. Your letter of 5th September clears up the only point on which I was seriously in doubt, and I agree with the memorandum which you propose to submit to the India and Burma Committee of the Cabinet.

2. I recognize that the appointment will in some respects be an anomaly, and it is important that the new High Commissioner should at first proceed with considerable caution. It is clear that he should not deal with the matters mentioned in paragraph 3 of the draft memorandum, and my Colleagues may have views about his intervention in the "borderline subjects", [to] which you refer in paragraph 5. The Finance Member has pointed out that while much useful work could undoubtedly be done here by discussion between the High Commissioner and the appropriate Departments of the Govt. of India on the largest economic problems (for example, the problem of the sterling balances), the final discussions about them would have to take place in London between Members of the Cabinet and Members of the Governor General's Executive Council.

3. Paragraph 2 of the draft memorandum mentions the possibility of overlapping, and even of friction between the High Commissioner and the Governor General. I need not enlarge upon these possibilities, and the first High Commissioner will, I am sure, be selected with great care and I hope you will consult me before the choice is finally made.

Yours sincerely,
WAVELL

[1] No. 73. [2] No. 96.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 34 *18 September 1945*

As I have only just returned, I am sending a very short letter this week. I should like to say again how much I appreciated the opportunity of making your acquaintance, and that of some other members of the Government whom I had not previously known. I am sure it has been most valuable to us both. I had a good journey back with about 12 hours in Cairo. My grand-daughter travelled very well.

2. I am not sure if you have seen the full text of the resolutions approved by the Congress Working Committee on 14th and 15th September. I enclose a complete set of the resolution[s] as I think they illustrate some of the difficulties with which we are likely to be faced.

The resolutions of 14th September deal with the objectives of the Congress, the Congress attitude to the elections, and the methods which the Congress propose to use in attaining their objectives. All three are in exaggerated and bitter language. For example, the first refers to "the fierce and violent onslaught of the British power" and asserts that we subjected "an unarmed India to many of the horrors of war which accompany an invasion". The third takes what is now the orthodox Congress line that the 1942 disturbances were justified and praiseworthy, and a credit to the Party. The second, which deals with the elections, gives the arguments against Congress participation in them and ends with the abrupt conclusion that Congress will participate. It is possible that this resolution is so drafted as to enable the Party to back out of the elections if they think fit.

The resolutions passed on 15th September concern the treatment of Indians who joined the enemy, international commitments by the present Government of India, and self-determination. Only the first two are to be placed before the A.-I.C.C. The third is apparently a re-statement by the Working Committee of what is regarded as settled Congress policy. The resolution about the I.N.A. is not objectionably worded, but the Congress are clearly not interested in the ordinary Indian soldier, whereas any Indians who fought *against* the British in the war "can be of the greatest service in the heavy work of building up a new and free India". The announcement contained in the second resolution about India's commitments is intended to make reconstruction and development as difficult as possible. The third resolution on self-determination or Pakistan begins by saying that Congress insist on a United India and ends by saying the

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opposite. It is unlikely to impress Muslim opinion and has already been severely criticised in the League Press.

I should say that Nehru drafted the greater part of these resolutions. They show the lack of realism and the capacity for self-deception which are among our main difficulties. I do not think any educated man could really believe that Section 93 administration was imposed on the Provinces, as one of the resolutions suggests. It was forced on the Governors by the resignation of Ministries commanding majorities in the Legislatures, and cannot be removed until Ministries are once more prepared to take office. Since the Section 93 Proclamations were made there has been no move whatever by Congress to take office again. Nor do I think that any sensible person who read the statements by Amery and myself before the Simla Conference could believe that it was our intention to proceed otherwise than by agreement between the major parties. When I saw Nehru in Simla I thought him sincere though unpractical, and I suppose he has persuaded himself that the contents of the resolutions are true. It will clearly be very difficult to secure any agreement between the Congress and ourselves, or the Congress and the Muslims.

3. As I telegraphed to you,[1] the proposed announcement of His Majesty's Government had a favourable reception in Council, very different from the last occasion when I returned; the comments made were generally sensible and realistic and showed appreciation of His Majesty's Government's efforts.

4. I have made enquiries from several very responsible persons who know Air Vice-Marshal Champion de Crespigny well; and as a result of their advice I am quite clear that he would be a very unwise and unsuitable choice as a Governor and has not the necessary qualities for such an important post.[2] Casey may have some suggestions for Bengal. For Madras I think Lieut.-General Sir Arthur Smith might be worth consideration, he is at present in England on leave, having given up Command in Persia and Iraq and being due to take over the Eastern Army in Bengal after his leave; I know him well and I think he would make a good Governor.

Enclosure 1 to No. 115

STATESMAN, 15TH SEPTEMBER 1945

Poona, September 14th.—The Congress Working Committee before it adjourned today adopted three resolutions which will be placed before the forthcoming meeting of the All-India Congress Committee.

The first resolution says: "The A.-I.C.C. at its first meeting after more than three years of wanton suppression by the British Government desires to convey its greetings and congratulations to the nation for the courage and endurance with which it withstood the fierce and violent onslaught of the British power,

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and its deep sympathy to all those who suffered during these three years of military, police and ordinance rule.

"The Committee regrets that in some places the people forgot and fell away from the Congress method of peaceful and non-violent action, but realises that the provocative action of the Government in effecting sudden and widespread arrests of all well-known leaders, and brutal and ruthless repression of peaceful demonstrations, goaded them to rise spontaneously to resist the armed might of an alien Imperialist Power which was trying to crush the spirit of freedom and the passionate desire of the Indian people to gain independence.

Appeal ignored.

"The earnest appeal made by the A.-I.C.C. at its last meeting held on August 8th, 1942,[3] for creating conditions necessary for full co-operation with the United Nations in the cause of world freedom was ignored and the suggested attempts to solve the Indian problem by negotiation were answered by the Government by an all-out attack on the Indian people and by subjecting an unarmed India to many of the horrors of war which accompany an invasion.

"Three years of frightfulness have left their long trail behind them, of death and agony and suffering and avoidable man-made famine which took its toll of millions of lives, and an administrative system which is full of corruption and incompetence, totally incapable of handling or solving India's problems. Yet these years have also demonstrated the courage of the Indian people to meet Governmental repression and have steeled and hardened them in their resolve to gain freedom and deliverance from foreign rule.

Advent of Atom Bomb.

"The world war is happily over but its long shadow still darkens the world and prospects of future wars are being considered. The appearance of the atom bomb as a weapon of war, with its frightful and horrible powers of destruction, has brought to a crisis the immoral and self-destructive elements of the present-day political, economic and spiritual structure of the world. Civilization is likely to destroy itself unless it gives up its imperialist and acquisitive tendencies and bases itself on the peaceful co-operation of free nations and on the maintenance of the dignity of men. The end of the war has brought no freedom to the colonial and dependent countries, and the Imperialist Powers are again engaged in the old contest for domination over others.

[1] No. 112.

[2] Lord Wavell sent Lord Pethick-Lawrence further comments on Air Vice-Marshal Champion de Crespigny's suitability for the Governorship of Madras in tel. 9-U of 3 October 1945. In tel. 532 of 15 October, Lord Pethick-Lawrence told Lord Wavell it had been decided to drop consideration of Air Vice-Marshal Champion de Crespigny. L/PO/8/41a.

[3] Vol. II, No. 470.

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"The A.-I.C.C. reiterates its national and international objectives laid down in its resolutions of August 8th, 1942, and its conviction that the independence of India is essential for world peace and must be the basis for the freedom of Asiatic and other dependent nations. The independence of India must be unequivocally recognised and the status among the United Nations must be that of an independent nation co-operating with others on an equal basis for the establishment of a world order of peace and freedom."

Enclosure 2 to No. 115

STATESMAN, NEW DELHI, 15TH SEPTEMBER 1945

Poona, September 14th.—The Congress Working Committee before it adjourned today adopted three resolutions which will be placed before the forthcoming meeting of the All-India Congress Committee.

The following is the text of the second resolution:—

Congress and elections.

"The announcement that fresh general elections will be held for the Central and Provincial Assemblies has been made in a manner and in circumstances which arouse suspicion. There has been no announcement of the policy which the British Government intends to pursue or of the subsequent steps and the objective aimed at. It is only in the context of the full picture that a preliminary step can be judged and a proper decision taken. No such picture has so far been presented by the British Government and it would appear that the old policies, largely laid down and controlled by the reactionary groups of the permanent services in India, are still being pursued. The present constitution by itself and even more so the 1919 Act governing the Central Assembly are completely out of date. Every transitional step can only be viewed in the light of present declaration of Indian independence and the rapid attainment of it in actual working.

"The electoral rolls are many years old, incomplete, full of errors and omissions and containing many false entries. During these years there have been many changes in population, due to war exigencies, migration, natural calamities and other causes. Adequate opportunities are not being offered for their revision, and the conditions for free and fair elections are not present. While the Congress stands for adult franchise, the existing franchise for the Centre is limited to a very small number of persons, numbering less than one per cent. of the population. The Central Assembly is still governed by the Act of 1919 and is, for all practical purposes, an advisory body with no real powers, whose advice and recommendations are frequently rejected or overridden by the Governor-General. To continue such an ineffective and impotent Central Legislature, and that too on the old franchise and basis, is mockery of all claims

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to democracy. The sudden dissolution of the Legislatures in some Provinces has emphasised the hostility of the present Governmental authorities to even the possibility of popular Governments in the meantime, and has been done in a manner which is an affront to the people.

"Nevertheless, to demonstrate the will of the people and on the issue of the immediate transfer of power, the A.-I.C.C. resolves that the forthcoming elections be contested, and directs the Working Committee to take all necessary steps in this behalf."

Enclosure 3 to No. 115

STATESMAN, NEW DELHI, 15TH SEPTEMBER 1945

Poona, September 14th.—The Congress Working Committee before it adjourned today adopted three resolutions which will be placed before the forthcoming meeting of the All-India Congress Committee.

The third resolution states:—

Evolution of "Swaraj".

"The Congress, from its earliest beginning 60 years ago, has tried to win Swaraj for all the people of India. But the content and implications of the word "Swaraj" have progressively varied with the march of time as also the people towards their goal. So have the means. Thus Swaraj at one time meant self-government of the people under the tutelage and fostering care of the British Government in India. The means were strictly legal and constitutional. As efforts so circumscribed proved insufficient, violence was resorted to from time to time, but this was sporadic, unorganised and secret. At each stage the Government of India responded reluctantly and in a niggardly manner with some sort of reform accompanied by repression leaving behind on every occasion a legacy of increasing discontentment.

"In 1920 the Congress became a mass organisation, basing its methods of action on peaceful and legitimate means, and adopted a revolutionary programme of progressive non-co-operation, including civil disobedience, which was confined in certain circumstances to individuals or groups or areas and to the redress of certain grievances. At each stage more and more people began to join the struggle for freedom.

Objective defined.

"In 1929–30 the Congress finally defined Swaraj as complete independence for India, and ever since 1930, January 26 has been observed as Independence Day when the pledge for independence is reaffirmed.

"In August 1942, the urgency of the situation and the perils that confronted India led to a programme of immediate severance of the British

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connection being conceived and this was to be adopted if the method of negotiated settlement failed. The resolution to this effect had hardly been adopted by the A.-I.C.C. late at night, when in the early hours of the following morning, the members of the Working Committee, the A.-I.C.C. and other Congressmen and Congresswomen were arrested in Bombay and all over India and the repressive measures were adopted by the Government.

"People, stunned, leaderless and incensed, gave vent to their just anger in the manner they thought best, both violently and non-violently, but the Governmental violence in every case put the popular acts of violence into the shade. As a result, military rule on a scale never before known in India became an established fact and sought to choke the voice and liberty of the people.

Simla Conference.

"In June, 1945, the British Government in India released the members of the Working Committee and convened a small and, what was intended to be, a fairly representative conference for the purpose of forming an interim National Government. It was understood that any decision arrived at by the Conference would be acted upon by the Government. Suddenly, however, the Chairman of the meeting, in the person of the Viceroy, brought the proceedings to an end, not because there was no general agreement among the members, but because one of the participant groups would not co-operate in the formation of an interim Government. No charge, veiled or open, has been or can be brought against the Congress for the break-up.

"The noteworthy fact is that throughout all these events the yearning of the people for Swaraj has increased; they have become more and more awakened to the need for freeing themselves from the foreign yoke; and the distrust of the foreign Government, in spite of its professions to the contrary, has increased.

"It is hoped, as would now appear, against hope that although the Conference broke up, as it did, the Government would carry out the promise read into the Viceregal declarations that an Indian National Government, giving effect to the voice of the people, would soon take the place of the anarchical one nominated by the Government. If that hope had been well founded, the Government would have, without any mental or other reservations, released all political prisoners, whether detained without trial or convicted under farcical procedure.

Many still behind bars.

"Some releases have undoubtedly taken place, but not in answer to popular demand and expectation. Many still remain behind the prison bars. Bans on some organisations and restrictions and disabilities on individuals have not yet been removed and civil liberties are restricted. The continuance of Section 93

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rule in the Provinces and the recent dissolution of the Legislatures in a number of Provinces are significant and outstanding instances of the policy of the Government, which is determined to hold on to its authoritarian power and to exercise it arbitrarily and autocratically.

"It is not possible to derive any hope for the future in the shape of frank co-operation on the part of Government with the people in bringing them their long overdue freedom and independence.

"The method of negotiation and conciliation which is the keynote of peaceful policy can never be abandoned by the Congress, no matter how grave may be the provocation, any more than can that of non-co-operation, complete or modified. Hence the guiding maxim of the Congress must remain: negotiation and settlement when possible and non-co-operation and direct action when necessary."

Enclosure 4 to No. 115

THE SUNDAY STATESMAN, NEW DELHI, 16TH SEPTEMBER 1945

Poona, September 15th.—At to-day's session of the Congress Working Committee three resolutions were adopted; one related to the "Indian National Army", the second conveyed a warning to the United Nations and the third was connected with the question of self-determination. The first two of the resolutions will be placed before the A.-I.C.C.

The following is the text of the first resolution:—

"The A.-I.C.C. has learnt with concern that large numbers of officers and men and women of the Indian National Army, formed in Malaya and Burma in 1942, as well as some other Indian soldiers, are at present in various Indian and foreign prisons awaiting trial or other decisions of the authorities.

"In view of the circumstances prevailing in India, Malaya, Burma and elsewhere at the time of the formation of this army and subsequently and further in view of the declared objects of this army, these officers and men and women should have been treated as combatants and prisoners of war at the conclusion of hostilities.

Laboured for freedom.

"The A.-I.C.C. is, however, strongly of the opinion that for other additional reasons of far-reaching consequences and in view of the termination of the war, it would be a tragedy if these officers, men and women were punished for the offence of having laboured, however mistakenly, for the freedom of India.

"They can be of the greatest service in the heavy work of building up a new and free India. They have already suffered heavily and any additional punishment will not only be unjustified, but will cause sorrow in innumerable homes

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and to the Indian people as a whole, and will widen the gulf between India and England. The A.-I.C.C., therefore, earnestly trusts that these officers, men and women in this army will be released.

"The A.-I.C.C. also trusts that the Indian civilian population of Malaya, Burma and elsewhere who joined the India Independence League will in no way be harassed or subjected to any penalty.

"The A.-I.C.C. further trusts that any sentence of death already passed on any Indian soldier or civilian in connection with any activities connected with the war will not be carried out."

Enclosure 5 to No. 115

THE SUNDAY STATESMAN, NEW DELHI, SEPTEMBER 16TH, 1945

Poona, September 15th.—At today's session of the Congress Working Committee, three resolutions were adopted; one related to the "Indian National Army", the second conveyed a warning to the United Nations and the third was connected with the question of self-determination. The first two of the resolutions will be placed before the A.-I.C.C.

The following is the text of the second resolution:—

India's commitments.

"As it appears to be the policy of the British Government to obstruct and delay the formation of a people's National Government in India, it may take some time for such a Government to function. During this period the present unrepresentative and irresponsible Government may enter into various kinds of commitments on behalf of India, which may not be in the interests of the Indian people and which may create shackles preventing growth and development.

"The A.-I.C.C., therefore, informs the United Nations and all others concerned that the present Government of India derives no power and authority from the people of India and in no way represents them. It is imposed on the Indian people by alien power and authority and can in no way commit India to any agreement affecting the vital interests of the people. Should any such agreement be entered into, the people's representative Government, on assuming power, will have the right and duty to examine it and, in the event of this being injurious to the interests of the Indian people, to refuse to be bound by it."

Enclosure 6 to No. 115

THE SUNDAY STATESMAN, NEW DELHI, SEPTEMBER 16TH, 1945

Poona, September 15th.—At today's session of the Congress Working Committee, three resolutions were adopted; one related to the "Indian National

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Army", the second conveyed a warning to the United Nations and the third was connected with the question of self-determination. The first two of the resolutions will be placed before the A.-I.C.C.

The following is the text of the third resolution:—

"As some misapprehensions have arisen in regard to certain resolutions of the A.-I.C.C. and of the Working Committee passed in 1942 relating to the future constitution of India, the Working Committee re-states the position as follows:—

"In accordance with the August, 1942, resolution of the A.-I.C.C., it will be for a democratically elected Constituent Assembly to prepare a constitution for the Government of India, acceptable to all sections of the people. This constitution, according to the Congress view, should be a federal one, with the residuary powers vesting in the units. The fundamental rights as laid down by the Karachi Congress,[4] and subsequently added to, must form an integral part of this constitution.

"Further, as declared by the A.-I.C.C. at its meeting held in Allahabad in May, 1942, the Congress cannot agree to any proposal to disintegrate India by giving liberty to any component state or territorial unit to secede from the Indian Union or Federation. The Congress, as the Working Committee declared in April 1942, has been wedded to Indian freedom and unity and any break in that unity, especially in the modern world when peoples' minds inevitably think in terms of ever larger federations, would be injurious to all concerned and exceedingly painful to contemplate.

Autonomous Units.

"Nevertheless, the Committee also declared, it cannot think in terms of compelling the people in any territorial unit to remain in an Indian Union against their declared and established will. While recognising this principle, every effort should be made to create conditions which would help the different units in developing a common and co-operative national life. The acceptance of the principle inevitably involves that no changes should be made which result in fresh problems being created and compulsion being exercised on other substantial groups within that area. Each territorial unit should have the fullest possible autonomy within the Union, consistently with a strong national state."

[4] Held from 29–31 March 1931.

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Broadcast Speech by Field Marshal Viscount Wavell at New Delhi (as made)

Wavell Papers. Political Series, July–September 1945, pp 90–1

19 September 1945

After my recent discussions with His Majesty's Government, in London, they authorised me to make the following announcement:—

"As stated in the gracious Speech from the Throne at the Opening of Parliament, His Majesty's Government are determined to do their utmost to promote in conjunction with the leaders of Indian opinion the early realisation of full self-government in India. During my visit to London they have discussed with me the steps to be taken.

"An announcement has already been made that elections to the Central and Provincial Legislatures, so long postponed owing to the war, are to be held during the coming cold weather. Thereafter His Majesty's Government earnestly hope that ministerial responsibility will be accepted by political leaders in all Provinces.

"It is the intention of His Majesty's Government to convene as soon as possible a Constitution-making body, and as a preliminary step they have authorised me to undertake, immediately after the elections, discussions with representatives of the Legislative Assemblies in the Provinces, to ascertain whether the proposals contained in the 1942 declaration are acceptable or whether some alternative or modified scheme is preferable. Discussions will also be undertaken with the representatives of the Indian States with a view to ascertaining in what way they can best take their part in the Constitution-making body.

"His Majesty's Government are proceeding to the consideration of the content of the treaty which will require to be concluded between Great Britain and India.

"During these preparatory stages, the Government of India must be carried on, and urgent economic and social problems must be dealt with. Furthermore, India has to play her full part in working out the new World Order. His Majesty's Government have therefore further authorised me, as soon as the results of the Provincial elections are published, to take steps to bring into being an Executive Council which will have the support of the main Indian parties."

That is the end of the announcement which His Majesty's Government have authorised me to make. It means a great deal. It means that His Majesty's Government are determined to go ahead with the task of bringing India to self-government at the earliest possible date. They have, as you can well imagine, a great number of most important and urgent problems on their hands; but despite all their preoccupations they have taken time, almost in their

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first days of office, to give attention to the Indian problem, as one of the first and most important. That fact is a measure of the earnest resolve of His Majesty's Government to help India to achieve early self-government.

The task of making and implementing a new Constitution for India is a complex and difficult one, which will require goodwill, co-operation and patience on the part of all concerned. We must first hold elections so that the will of the Indian electorate may be known. It is not possible to undertake any major alteration of the franchise system. This would delay matters for at least two years. But we are doing our best to revise the existing electoral rolls efficiently. After the elections, I propose to hold discussions with representatives of those elected, and of the Indian States to determine the form which the Constitution-making Body should take, its powers and procedure. The draft declaration of 1942 proposed a method of setting up a Constitution-making Body but His Majesty's Government recognise that, in view of the great issues involved and the delicacy of the minority problems, consultation with the people's representatives is necessary before the form of the Constitution-making Body is finally determined.

The above procedure seems to His Majesty's Government and myself the best way open to us to give India the opportunity of deciding her destiny. We are well aware of the difficulties to be overcome but are determined to overcome them. I can certainly assure you that the Government and all sections of the British people are anxious to help India, which has given us so much help in winning this war. I for my part will do my best, in the service of the people of India, to help them to arrive at their goal, and I firmly believe that it can be done.

It is now for Indians to show that they have the wisdom, faith and courage to determine in what way they can best reconcile their differences and how their country can be governed by Indians for Indians.

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Professor Laski to Lord Pethick-Lawrence

L/P&J/7/8289: f 7

MANOR COTTAGE, LITTLE BARDFIELD, BRAINTREE, ESSEX,
19 September 1945

Dear Pethick-Lawrence,

It is a great encouragement to all of us in the Party who have cared deeply about India to see that so helpful an initiative so swiftly taken. But I do hope that, whatever shape a Constituent Assembly may take, care will be emphasised

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to keep it small and private until its work is over, and that it will be provided with a sympathetic as well as a first-rate secretariat.

I enclose a telegram I have received from the All India Sikh League.[1] It would be good of you to give me material for a suitable reply.[2]

Yours very sincerely,

HAROLD J. LASKI

[1] Urging the immediate release of Sardar Sardul Singh Caveeshar who had been detained since 1941. L/P&J/7/8289: f 8.

[2] On 21 September, Lord Pethick-Lawrence thanked Professor Laski for his letter and said he would bear the point on the Constituent Assembly in mind. In a further letter of 28 September, Lord Pethick-Lawrence sent him details of Sardar Sardul Singh Caveeshar's case. *Ibid*: ff 6, 2. Earlier in September, Professor Laski and Lord Pethick-Lawrence had exchanged letters on Mr Sibnath Banerjee's detention. In his letter of 5 September on this subject, Professor Laski wrote: 'To arrive at a *modus vivendi* with India would alone justify the party's victory'. L/P&J/8/626: f 520.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/E/8/3821: ff 206–8

INDIA OFFICE, *20 September 1945*

My dear Wavell,

We had some discussion while you were in London on certain cases of commercial discrimination and you said that you would look into them on your return. It will be convenient, however, if I put the matter to you in writing. A number of cases have been brought to my notice in which it is alleged that the Departments of the Government of India have withheld facilities for the import into India of equipment required for industrial development on the grounds that the projects in question are being undertaken by concerns, the financial control over which is not in Indian hands, or have sought to use their control over imports into India to bring pressure to bear on United Kingdom interests to give a majority shareholding in proposed Indian Companies to Indian interests. I enclose a note[1] summarising these cases. In some of them the ostensible ground given for the refusal of facilities has been some other reason but it may well be that the question of financial control over the project has nevertheless been a predominant factor. The matter has also been brought to my notice by the deputation of European businessmen from India who are in this country, and I enclose a copy of the correspondence[2] regarding it which my Private Secretary has had with them.

2. If a new constitution for India is agreed upon and approved by Parliament, the Government of India as then constituted will be free, so far as the Statute is concerned, to discriminate against U.K. interests and, if it is to be the policy

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of a future Government of India to use their freedom to prevent the establishment of new industrial concerns in India not owned by Indians, I can appreciate Dalal's desire to avoid prejudicing such a future policy by allowing new European-owned concerns to establish themselves now. But I do not think that we can accept at this stage the assumption that the Government of India under a new constitution will necessarily follow such a policy. It is our intention, as I told the deputation of European businessmen when I saw them, to try to negotiate an arrangement with the Government of an independent India, if and when such a Government is established, regarding matters of this sort, and we should not now abandon hope that we shall be able to persuade such a Government that a policy of excluding new United Kingdom-owned concerns from India would not be in the best interests of an independent India.

3. Moreover, the commercial discrimination provisions in Chapter III of Part V of the Government of India Act remain in force and, although the Governor-General's special responsibility under Section 12 (1) (*e*) to secure in the sphere of executive action the purposes which those provisions are designed to secure in relation to legislation is not in operation, the intention of the Act is that pending the establishment of Federation, the Governor-General and the Governor-General-in-Council should be alert to ensure that the same result is achieved at the Centre. So long, therefore, as the commercial safeguards remain I do not see what answer I have to those who take up with me the question of the refusal of facilities for the import of their goods into India on the ground that they are for projects not under the financial control of Indians, and who argue, as they can legitimately do, that such discrimination is contrary to the intentions of the present Act and prejudges negotiations to be engaged upon after the establishment of a new Indian constitution. I may be placed under considerable pressure in the matter.

4. I would therefore be grateful if you could discuss the matter informally with Dalal and the other Members of your Government concerned, and see if you can make arrangements with them under which the Government of India's control over imports is no longer operated in a manner discriminatory against United Kingdom interests.

5. You will see, from my Private Secretary's letter to the Secretary of the India–Burma Association, that I have advised the Europeans to put in their

[1] Not printed.

[2] This correspondence is in the form of a letter from Mr G. W. Tyson, Secretary to the deputation of European businessmen from India, to Mr Turnbull dated 28 August 1945 and a reply from Mr Turnbull to the Secretary of the India–Burma Association dated 20 September 1945. In his letter, Mr Tyson requested that the G. of I. follow a commercial policy within the terms of the existing constitution and that no piecemeal alteration of the commercial discrimination clauses of the Govt. of India Act, 1935 should be made without giving the European business community an opportunity of submitting their considered views. L/E/8/3821: ff 229, 209.

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views on this matter to you and to myself in written form now. This seemed to me more appropriate than to give an assurance that they would be given an opportunity when the matter came up for consideration, because the latter would involve disclosing to them when this occurred. As H.M.G. are committed to considering Dalal's proposition further in regard to specific instances in which he makes out a case that the provisions hamper his development plans, this would mean that if Dalal's proposals were not accepted by H.M.G. the Europeans would be aware of the fact.

Sincerely yours,
PETHICK-LAWRENCE

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Field Marshal Viscount Wavell to all Provincial Governors

Wavell Papers. Political Series, July–September 1945, pp 91–3

SECRET AND PERSONAL THE VICEROY'S HOUSE, NEW DELHI, *21 September 1945*

My dear ——,

A short account of my discussions with His Majesty's Government in London may be of interest to you. Please treat it as entirely confidential. I arrived in London on the evening of Sunday, 26th August, and began my discussions with the Secretary of State on the following day. On Wednesday, 29th August,[1] I met the India Committee of the Cabinet and gave them a short review of the Indian situation. I explained that the failure of the Simla Conference had narrowed the field in which it was possible to negotiate and had hardened communal feeling; that the attitude of the Muslim League was due to the widespread and genuine fear among Indian Muslims of Hindu domination, which it was impossible for us to disregard; that in my judgment none of the political parties was likely to accept the general scheme embodied in the Cripps Offer as it stood; that it would be necessary to face the Pakistan issue before we could make substantial progress; and that the Indian States would require very careful handling.

It was immediately evident that the Committee considered His Majesty's Government bound by the Draft Declaration of 1942, and that this must be the starting point for any further move. It was suggested with great earnestness that immediately after the elections I should send for the political leaders, put the Draft Declaration of 1942 to them, and, if they had no agreed alternative method to suggest, then proceed to summon the Constitution-making Body. After some discussion the Committee adjourned so that the Secretary of State and I might consider the matter further.

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2. I was clear that it would be most unwise for His Majesty's Government to commit themselves at this stage to imposing a settlement on India, whatever the attitude of the parties might be. If it were announced now that a Constitution-making Body would be set up in accordance with the Draft Declaration of 1942 immediately after the elections, and if, when the time came, any large party refused to co-operate, His Majesty's Government might find itself committed to the acceptance of whatever the Constitution-making body might evolve; and therefore to forcing it upon the country. The right of secession would not be an adequate safety valve, for it could not be exercised on the vote of a single community, and some Provinces would probably find themselves tied to a constitution of which they disapproved. I circulated to the Committee a short paper setting out my views,[2] and another short paper on the political impracticability of Pakistan.[3]

3. When the Committee met again on 6th September[4] the draft of the announcement embodied in my broadcast of 19th September[5] was approved. It does not commit His Majesty's Government to convening the Constitution-making Body in the face of serious opposition; at the same time it leaves it open to them to overrule any party which may be unreasonable. The draft was later approved by the full Cabinet[6] and represents a compromise between the conviction that there can be no real settlement except by agreement, and the determination to solve the Indian problem whether the Indians like the solution or not.

4. After the draft of the announcement had been discussed, I pointed out that it was no more than a beginning and that there were many matters which would require decision before discussions on the long-term settlement could be undertaken in India. A memorandum[7] by the Secretary of State dealing with some of these matters was submitted to a further meeting of the Committee on 11th September.[8] I will not attempt to give you a complete list. The Draft Declaration of 1942 was an outline, the negotiations on which broke down before the details had been filled in. We have not yet thought out the procedure of the electoral college which is to elect the British Indian element in the Constitution-making Body. It will have to have a President; qualifications for the candidates for election will have to be laid down; and we must have clear ideas about the method of election. The system of proportional representation, if strictly applied, might give curious results—for example, certain Provinces might fail to secure representation at all. Next there is the question of the representation of the Indian States. This is a matter on which the Congress felt strongly in 1942, and the method by which States' representatives should be chosen has yet to be considered in detail. The procedure of the

[1] No. 78. [2] No. 91. [3] No. 82.
[4] No. 99. The India Committee had also met, without Lord Wavell, on 4 September (No. 92).
[5] No. 116. [6] No. 104. [7] No. 101. [8] No. 105.

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Constitution-making Body itself will also be a problem. The Congress will certainly wish to know whether His Majesty's Government would implement the findings of the Constitution-making Body if some of the principal parties refuse to co-operate or withdraw. It will be necessary to state clearly the powers and functions of the Constitution-making Body and the proportion of votes necessary for a major decision. The Princes will undoubtedly require certain assurances about their Treaty rights. In addition there will be many controversial points about the definition of the areas which are to be given the right to stand out of the new Constitution, the method by which this right is to be exercised, and the future of areas which finally stand out.

The Committee reached no final conclusions, as it was recognised that further investigation would be needed, and during the next few months I shall have to decide what line to take on the matters mentioned above and other similar matters, and also on the procedure to be adopted for the discussions which are to take place after the results of the elections are known. I hope to consult Governors in due course and will keep them informed of any important developments.

5. The Cabinet are very much in earnest about the Indian problem and are, I think, determined to solve it if they can. There is much genuine goodwill, but I am not sure that the difficulties are fully realised.

6. I had various discussions with the Secretary of State for India and his Parliamentary Under Secretary, and with other Ministers on various matters besides the constitutional problem. There is great anxiety about our security prisoners. The feeling is that we must not use our war-time powers of detention and restriction for a day longer than is absolutely necessary. I think I convinced the Secretary of State that conditions in India are rather different from those in the U.K., and that even in ordinary times detention without trial may be necessary if order is to be maintained. But the policy of His Majesty's Government will undoubtedly be to limit the detention without trial and restrictions on movements, &c., to the absolute minimum, and we shall be expected to revert as quickly as we can to peace-time arrangements.

7. I found a good deal of sympathy for India over food, and the Ministers for Food and War Transport are very ready to help us if they can. But the shipping position is still difficult.

8. My Executive Council took the new announcement, when I disclosed it to them, with calmness and good sense, very different from the last time. They see the difficulties and are sceptical about our getting over them, but recognise the goodwill of His Majesty's Government.

Yours sincerely,
[WAVELL]

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *21 September 1945*
Received: 26 September

I hope you had a comfortable journey home. It was a great pleasure to me to have such an early opportunity of discussing our problems and of making your acquaintance.

2. The policy announcement has had an extraordinarily good press here, every paper making appreciative comment. That, however, was, I think, to be expected. What matters from the practical point of view is [are] the repercussions in India and I am still waiting to know what those are. The end of your broadcast was recorded and broadcast by the B.B.C. and came through very well.

3. I am only too conscious of the difficulty of the task we have asked you to undertake and I hope that it will not be made more difficult by the heat engendered during the elections, which will of course be fiercely and bitterly contested. In this country there is no doubt that a lot of steam was liberated during the elections and that when it was clear who would be in power for the next five years, everybody settled down at once. But Indian conditions are so different that we can hardly hope it will be the same there. I should suppose that Jinnah has to a certain degree been electioneering for the past two or three years and that he may be more reasonable after the elections, or at any rate more disposed to do business.

4. I received this week some members of my Party in the House who are particularly interested in India.[1] They raised a great number of points with me and I think generally I was able to give them satisfaction. They did, however, press me particularly in regard to the revision of electoral rolls. They were under the impression that no amendment of the rolls was being undertaken and I assured them that this was not the case. Their specific request was that there should be a period of at least two months during which the rolls are open to amendment between the announcement that elections would be held and the date of the poll, and that steps should be taken in every Province widely to advertise the fact that amendment was possible and the proper procedure by which to secure amendment. The information you have already sent me has been most helpful, but it is quite clear that this aspect is likely to arouse considerable interest in the House when it meets on the 9th October. I note what Colville said in his letter of the 19th September[2] about the difficulty of

[1] See No. 111. [2] No. 102, para. 2; the date should be 9 September.

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securing uniformity of procedure in the eleven different Provinces, but I should be most grateful if you could send me, to arrive by 9th October, more detailed particulars of the facilities for amendment of the rolls in the different Provinces. I should like to know precisely what Provincial Governments are doing in the way of advertising the procedure and what period of time is being given for amendments to be brought forward. The suggestion was made to me that the rolls contained bogus names and even that some officials were co-operating in the falsification of them. I expressed great doubt whether this could be happening extensively and emphasised that any Government official convicted of such malpractices would be open to the most serious penalties. I take it that this is the case?

5. It has also been brought to my attention that it is alleged that the Ministers in the Punjab are using their position to secure a biased amendment of the rolls, by which I understand it to be implied that they give better facilities to members of their own party to secure places on the roll than they do to their opponents. If the Governor can furnish you with any satisfactory information which will be useful to rebut this suggestion I shall be glad to have it.

6. It has, by the way, been alleged to me that some of Glancy's officials have not been strictly neutral in the election but have allowed themselves to show a bias in favour of the Unionist Party. I find it very difficult to believe that there is anything in this and I quite realise that the animosities between the Muslim League and the Unionist Party will result in all sorts of mud being slung. But perhaps you could ask Glancy whether the rumour has reached his ears and if so whether he thinks any steps should be taken to scotch it. I should like to be in a position to deal firmly with the suggestion if it should be made in the House of Commons.

7. Generally speaking, I am afraid that in the new House Arthur Henderson will have a lot of questions to answer of an irritating kind which may give trouble to your officials and even to yourself. I should be most grateful, however, if you could instruct your staff, and particularly your Home Department, to keep us as fully informed as possible by telegram of the precise facts about any disturbances or other troubles which have to be dealt with severely. It does not create a good impression if I have frequently to express ignorance of what has occurred; and when an allegation is unfounded it is much better to be able to say so straight off, rather than to promise an enquiry. The outcome of the enquiry very often passes unnoticed, but the suggestion is remembered. I realise that there are standing orders on the subject but I should also be glad if you could remind Governors of the necessity of repeating to me telegrams to you reporting any serious untoward incidents in the Provinces in the law and order sphere, so long at any rate as Section 93 administration continues, and especially during the election period.

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8. In paragraph 18 of your private and secret letter of 5th August,[3] you suggested to me that it would be appropriate if the Maharaja of Nepal received on the occasion of his retirement a personal letter of thanks and good wishes from the Prime Minister. A very appreciative letter has now been signed by Attlee, and has been sent on to the External Affairs Department for transmission to Falconer at an appropriate moment.

9. I mentioned to you before you left the question of a declaration by India that it was her policy totally to prohibit opium smoking. I have had the case for this put to the Government of India in demi-official letter No. E. & O.–6828/45,[4] which was sent to the Finance Department (Central Revenues) on 14th September and I should be grateful if you could look at it yourself. While no doubt something can be said by the experts for and against such a declaration I have the feeling that it may not in the past have been looked at from a sufficiently wide point of view. Such an announcement I think would have considerable political value at a time when India is anxious to improve her international standing and would at the same time forestall criticism from American and other quarters which must in any case be expected so long as the practice of opium eating is countenanced in India. I fancy that the Congress Governments before the war were not unfavourably inclined to a forward policy in matters of this kind, which are of course essentially Provincial subjects. I very much hope that your Government will give the proposal favourable consideration. Atul Chatterjee, who of course has expert knowledge of this problem in India, and is also closely associated with it in the international field, warmly supports the suggestion which has been made in the letter I have referred to.

[3] Para. omitted from No. 4. [4] Of 14 September 1945. L/E/9/732.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 35 *23 September 1945*

The reactions to the broadcast statements of 19th September are still incomplete, and I do not think we shall know the final attitude of Congress for some days. In any other country the comment we have had would be regarded as unfavourable, but by Indian standards it is probably not too bad. The Congress would have liked an undertaking on the part of His Majesty's Government to impose a settlement, and the Muslim League wanted a clear acceptance of

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Pakistan. I enclose a cutting from *Dawn* which gives Jinnah's views. Jinnah talks a good deal less than most Indian politicians, and I doubt if he will say much more until serious electioneering begins.

2. To supplement the enclosures to my last letter I am sending by this bag copies of new Congress Working Committee resolutions of 21st and 22nd September. These were adopted by the A.-I.C.C. without substantial change.[1] It is easy to criticise the whole series of resolutions. If the Congress had accepted and worked the Act of 1935 India would probably have been a Dominion by now; if the Congress Ministries had not gone out of office in 1939 we should almost certainly have had a "political" Executive Council by 1940 or 1941; if at any time Congress had been ready to return to power in the Provinces they could have done so—they had a good opportunity of doing so immediately after the Simla Conference. But they preferred to make no move, and to anyone who knows the story of the past few years their attacks on the present administration are unfair and unrealistic. In fact Congress policy has been utterly barren and unreasonable for many years past; and I am afraid that the present leaders are incapable of change.

The complaints about the state of the Central Assembly rolls have little substance because these rolls have been revised during 1945 and some of them are still under revision; also, it is evident that however inadequate the present constitution may be at the Centre there must be an Assembly elected under it to pass the Budget. We cannot abolish the Central Legislature and postpone the elections while we undertake major constitutional reforms.

3. The Congress leaders are no doubt relying on ignorance and strong party feeling in India, and on the general ignorance of Indian affairs both in the U.K. and in foreign countries. They know from experience that they can say almost anything and be believed by a very large number of people. But I think the resolutions show something more than a desire to present a highly coloured case to the electorate. They are an attempt to reconcile strongly opposed views, and do not altogether succeed in doing so. The Congress has always included people who prefer revolution to reform, violence to passive resistance, and non-co-operation to co-operation with the British. I believe that the Working Committee have found it hard to maintain a united front, and much will depend on the final attitude of men like Vallabhbhai Patel and Nehru who though hitherto subservient to Gandhi do not in their hearts believe in his ideas. To some extent also the resolutions may be intended as what is nowadays called an "alibi" against unexpected election results. If the Congress do as well as they hope in the elections we shall hear no more about the undemocratic nature of the constitution, and the state of the electoral rolls. But it is convenient that these matters should be discussed now so that if anything goes wrong the party can say that they told us so from the beginning. The Congress

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leaders may also wish to provoke conflict of some kind, not perhaps on a big scale, with the Government of India before the elections, so as to stimulate anti-British feeling, and provide a further excuse for non-co-operation if it suits them. I shall no doubt receive within a few days a long letter from Azad making various demands, and he may say that unless these demands are met Congress will not contest the elections after all. But I believe that they really intend to contest the elections—there is little else that they can do.

4. We have had some important cases in Council during the week. One of them concerned the treatment of foreigners—mostly enemy foreigners—now detained or restricted in India. The great majority of these people came from other countries and have no claim on us whatever. Council decided that they must be sent back as soon as possible to the countries from which they came, or to their homes, subject to certain exceptions where removal from India would cause undue hardship or it would be to our advantage to keep a person here, e.g., for employment on work of national importance. There are others in detention or in parole centres who were living in India before the war. Council decided to repatriate these also subject to reasonable exceptions. There are a few bad characters not of enemy nationality who were sent here for detention mainly from Iraq and Persia, and they will have to be repatriated. We are removing the restrictions on enemy foreigners who were allowed to remain at large, but were not allowed to have wireless sets, cameras, etc., or to enter certain prohibited areas. I think these decisions are sound, but with shipping as tight as it is at present there may be difficulty about repatriation. We do not want enemy foreigners at large in India without accommodation or resources, and we shall have to keep all, or nearly all, of them where they are now in detention or parole centres until we can arrange for their removal. But we intend to introduce relaxations so that they may have no reasonable cause for complaint.

Council also considered the use of Ordinance III of 1944 which authorises detention without trial, and the imposition of restrictions on personal movements, etc. Even in normal times we have had to use powers of this kind in India, and in Bengal there is a Provincial Act, passed in 1930, which gives the Bengal Government very similar powers. Council were clear that we could not make use of our war-time powers much longer, and decided that Provincial Governments must be told that the Ordinance would have to be repealed at an early date, and that those Provincial Governments which require special powers

[1] At its meeting held from 21 to 23 September 1945 at Bombay, the All-India Congress Committee adopted, without substantial amendment, the resolutions given in Enclosures 1, 3, and 4 to No. 115. The resolution in Enclosure 2 to No. 115 was submitted to the All-India Committee in a much altered form. In addition, the Committee passed resolutions on: (1) the establishment of a committee to consider a revision of the Congress constitution; (2) Sterling Balances; (3) Indian Interests in Burma and Malaya; (4) Affiliation to Congress of the Anjuman-e-Watan of Baluchistan.

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and do not already possess them must make their own arrangements before then. In the meantime no new orders under Ordinance III should be made save in the most exceptional circumstances, e.g., a sudden outbreak of terrorist crime. In Bengal where the problem is most difficult I think that any action needed can be taken under the Provincial Law. The only other Province with a major problem is Sind where legislation of some kind will be needed to provide for the Hurs—a fanatical sect who terrorised several districts for some years and had to be suppressed. There may be difficulties in the United Provinces and Bihar, and, while the Satara trouble continues,[2] in Bombay. But I am sure it is right to get rid of our exceptional Central powers (we still have Regulation III of 1818 to fall back on), and to make the Provinces responsible for their own arrangements. My main concern was to prevent an abrupt change and I think the action authorised by Council will give the Provinces time to make arrangements on their own if they have to do so. The attitude of the Congress, and of Sarat Bose in particular, is not reassuring, and precautions against terrorism are really necessary in some Provinces.

Council have also dealt with the reservation of vacancies in the I.C.S. and I.P. for war service candidates. They decided that vacancies occurring up to the end of 1945 should be reserved, and I think this is fair. A similar decision will be taken shortly for the Governor-General's services.

Finally, we had to consider in rather a hurry our attitude to the Italian Peace Treaty. My colleagues seemed interested in this subject and were satisfied with the line suggested in the India Office telegrams. There has been some political criticism of Prior's appointment—I doubt if the politicians realise how strongly the British officials here represent the Indian point of view.

As I told you in my last letter my colleagues are much less worried about our political move than they were about the last move in June. But three of them have been thinking of resigning. Azizul Haque spoke to Casey some time ago about the possibility that he might return to Bengal politics. Colville advised Casey, after consulting me, that I would not stand in Azizul Haque's way. Later, Azizul Haque broached the subject with Colville[3] and seemed to be determined to go back to Bengal. He said he had a safe seat and need not commit himself just yet. When I saw him after my return he said he had come to the conclusion that his work here was too important for him to leave. I rather think that Jinnah may not have been encouraging, and Azizul Haque may change his mind later.

Srivastava has for several months been worried about his health and his business, and I think he might resign at any time. At the moment he seems in fairly good heart and is about to pay a short visit to Kashmir.

Sultan Ahmed has been offered one of the new Adviserships to the Princes by His Highness the Chancellor, and told me the other day that he would like to accept. I think he really means to go shortly. I told him I would think the

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matter over, and will speak to him again when I return from tour towards the end of the month.

If Sultan Ahmed goes I shall have to bring in another Muslim. The communal balance in the present Council is not of very great importance but the Hindus and Muslims must be approximately equal, and Firoz's resignation has reduced the Muslim strength by one.

5. I had a long and amicable discussion with His Highness the Chancellor on 17th September. He wished to prepare the ground for the deputation of Princes on 28th and 29th September. Corfield was present and we discussed most of the old topics—joint services, the Attachment Scheme, courts of arbitration, the industrial development of the States, and so on.[4] I do not think the deputation will give me much difficulty, and we shall probably have a session of the Chamber early in the New Year.

6. In paragraph 3 of your letter of 28th August[5] to Colville you asked for an assurance that everything possible was being done to deal with the serious scarcity of rice in Bengal. Casey will have discussed this with you. He is arranging for widespread touring by his District Officers, and I am trying to help him with transport. The Food Secretary has gone to Calcutta to discuss the situation, and everything possible will be done to help Bengal, e.g., we may once more have to undertake the feeding of Calcutta from other Provinces. But we must recognise that there is no complete remedy other than unrestricted imports. A failure of the *aman* crop in Bengal would affect procurement for the whole of North-Eastern India, and the chances are that the failure would not be confined to Bengal. In Bengal itself there would be the usual hoarding and profiteering on a large scale, and food administration would be exceedingly difficult. We do not know yet what the shortage is likely to be—it is variously stated as anything up to 3½ million tons and my Food Department put it at present at 1 million tons against actual requirements for consumption. The only real remedy is to import rice in large quantities from Burma and Siam.

[Para. 7, on the delay in granting an import licence to a Hyderabad industrialist; and para. 8, on the representation of India at Teheran, omitted.]

9. I mentioned during a talk with you on 27th August the problem of

[2] In the summer of 1945 there was some recrudescence in the Satara district of sabotage, intimidation of Government servants and lawlessness by terrorist gangs, which was believed to be essentially criminal, though some political colour was given to their activities and in some areas attempts were made to set up a parallel Government. These gangs had been operating spasmodically since August 1942.

[3] See No. 102, para. 6.

[4] In his letter F.200-P./45 of 20 September 1945, Mr Griffin sent Mr Clauson a copy of the brief prepared for Lord Wavell for his meeting with the Nawab of Bhopal together with Lord Wavell's comments on the brief in the light of his discussion with the Chancellor. L/PO/10/25.

[5] No. 75.

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Bajpai's status in Washington, and you were inclined to be sympathetic. I believe you instructed your officials to look into the matter and I shall be grateful if you will let me know when any progress is made. We shall always need a person of distinction and importance to represent us in Washington, and I know that Bajpai has felt his inferior position keenly. It would be illogical for India to appoint Ministers of her own abroad at present, but logical arrangements are not always right.

10. It is customary for the Viceroy to address the Associated Chambers of Commerce in Calcutta at their annual meeting during December, and the speech is regarded as politically important. This year the annual meeting takes place on 10th December, and I have been invited to speak as usual. I am inclined to think that I must say something about the Pakistan issue, e.g., that while His Majesty's Government sympathise with the desire of Muslims for a "homeland" of their own and for freedom to develop their own religious, educational and cultural ideals, it would be impossible to accept any plan which involved placing in a separate Muslim majority state a large minority belonging to the other communities. I might also speak rather more plainly than is customary about the attitude of the Congress to India's war effort. Any international status that India may acquire in the near future will be due largely to the soldiers who fought against the Axis and who kept the Japanese out of India and to the workers who made munitions for the Allies, and not to those who did their best to hamper our war effort.

These are only preliminary ideas. If my speech includes anything of political importance I will of course inform you well in advance so that you may let me know the views of the Cabinet. I am sure that sooner or later we must say something about the limitations of Pakistan, and the question is when this should be done. The other point is less important, but I think there is a good deal of uneasiness, both among soldiers and among civilians who supported the war effort, at the present attitude of the Congress, and I do not want it thought that India's achievements during the war years count for nothing with His Majesty's Government, or with our Allies, and that we are going to hand over our supporters to those who glorify Subhas Chandra Bose and the rioters and saboteurs of 1942.

11. Auchinleck and I received the Legion of Merit awarded to us by President Truman at a special parade on Saturday, 22nd September. General Wheeler, the senior United States General in South-East Asia Command, gave us the decoration, and there were Guards of Honour from the U.S. Forces, the Royal Scots Fusiliers, and the 9th Gurkhas. I have seen a good deal of Wheeler since he came to India in 1942 (I knew him earlier in the Middle East), and he has always been friendly and sensible. He returns to the United States shortly to take up a high engineering appointment in Washington.

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12. I had the French Admiral D'Argenlieu and his staff to lunch today, he is on his way to assume office as High Commissioner in Indo-China. I had a talk with him afterwards, he had nothing much to say; I made it clear to him that it would have most unfortunate repercussions here if British or Indian troops were used to suppress any internal movement in Indo-China.

13. I am visiting Dehra Dun from 24th to 28th September. I have been there as Commander-in-Chief but not as Viceroy. There are a good many civil institutions to see there including the Forest Research Institute, and the Indian St. Dunstan's run by Sir Clutha Mackenzie. In October I hope to do a longish tour to Kashmir from the 7th to 14th, after which I shall visit the Rawalpindi Division of the Punjab from 14th to 17th.

Enclosure to No. 121 (Extract)

DAWN, DELHI, 21ST SEPTEMBER 1945

DIVISION OF INDIA—ONLY SOLUTION

PAKISTAN WILL LEAD ENTIRE COUNTRY TO HAPPINESS

JINNAH WARNS AGAINST ATTEMPTS TO BY-PASS MUSLIM DEMAND

Leaders' restrained verdicts on Wavell's broadcast

Quetta, September 20th.—Commenting on the Wavell broadcast, Mr. M. A. Jinnah said: "I have heard the broadcast of Lord Wavell on radio as well as that of Mr. Attlee, British Prime Minister, regarding the policy of His Majesty's Government with reference to constitutional problems of India. I would like to examine it in cold print and we shall have to carefully consider various points that are indicated by them."

"But one thing is clear", continued Mr. Jinnah, "that no attempt will succeed except on the basis of Pakistan and that is the major issue to be decided by all those who are well-wishers of India and who are really in earnest to achieve real freedom and independence of India and the sooner it is fully realised, the better."

"The division of India is the only solution of this most complex constitutional problem of India and this is the road to happiness, prosperity, welfare and freedom of 400 millions inhabiting this sub-continent," Mr. Jinnah concluded.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&S/13/1827: ff 401–2

PRIVATE INDIA OFFICE, *25 September 1945*

IMPORTANT

499. Superintendent Series. You will remember India Committee on 11th September[1] decided on your suggestion to consider whether we should frankly warn Princes of limitations within which we shall in practice be able to fulfil Treaty obligations.

2. There is no chance of Committee being able to dispose of this question for some time and in any case they will probably wish to refer to you for further advice on precise scope and timing of any announcement, and they may have to take into account various points discussed in your correspondence with Amery on this subject which I have been studying.

3. In the meantime I realise you may be faced by demand from Princes this week for further reassurances regarding Treaty rights and might want such advice as I can give you.

4. Best suggestion I can make is that after pointing out to them that the situation has not changed since you saw them last, you should subsequently try, preferably in an informal way, to turn their minds away from reliance on past pledges and demands for re-statement towards considering what constructive contribution they can make to constitutional discussions after elections in which they are being invited to participate. They have everything to gain and nothing to lose by taking part in discussions and clearly best interests of States will be served by working out means of establishing for themselves a secure position within Indian polity which will make them independent of a suzerain's guarantees. You might add if necessary that you will be reporting this week's discussions to H.M.G., who will no doubt consider as soon as possible the various questions arising out of them.

[1] No. 105, section C.

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Note by the India Office

L/PO/8/34a: f 108

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NOTE ON PROCEDURE FOR THE APPOINTMENT OF GOVERNORS IN THE PRESIDENCY PROVINCES

I. *Consultation with the Viceroy.*

The practice in regard to this has varied somewhat with different Viceroys and different Secretaries of State. It has, however, usually been the practice in the first instance to ask the Viceroy whether he has any suggestions to make. Thereafter the Secretaries of State have usually kept the Viceroy informed of any names under consideration here so that the Viceroy has had opportunity to comment at all stages. The actual decision, however, has always rested with the Secretary of State and the Prime Minister. Before a name is submitted to The King, however, the Viceroy has always been informed that the Secretary of State and the Prime Minister propose that a particular person should be appointed and hope that this will be agreeable to him. This gives the Viceroy an opportunity to make comment on the final selection if he wishes to do so, but it is very rare for a Viceroy to raise any comment at this stage. This procedure has been followed hitherto with the present Viceroy. He has already had opportunity to make suggestions in regard to the vacancies in Madras and Bengal.

II. *Procedure vis-à-vis The King.*

These appointments are formally submitted to The King by the Secretary of State for India acting with the Prime Minister's approval. It has, however, always been the practice, and The King's Private Secretary has several times emphasised the importance of adhering to it, that The King is asked informally for approval of names which are under consideration before any approach is made to the individual concerned. On some occasions The King has taken exception to names proposed and as it is clearly difficult for the Palace to do this when the individual concerned has already been sounded as to willingness to take the appointment, the practice is for the Secretary of State to write to the King's Private Secretary and say that he and the Prime Minister consider certain individuals (who are named) as suitable and would be glad to know whether The King has any objection to them being sounded as to their willingness to take the appointment.

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Mr. Turnbull to Lord Pethick-Lawrence

L/PO/6/102c: f 448

28 September 1945

Secretary of State

Since you spoke to me some days ago about your interview with Mr. Krishna Menon, I have been wondering what could be done to reduce his influence in political circles. I should like to suggest the possibility of sending a small party of Members of Parliament to India this autumn, perhaps about November or December. There is good excuse for doing this in that there was a strong demand for it to be done last February which had to be turned down on passage grounds. It might now be possible to send a party of say 8 out by air.

Of course, this would doubtless lead to a lot of parliamentary questions and complaints about individual cases, but I cannot help feeling that if Mr. Sorensen went to India it would affect his outlook a good deal. A possible danger is that some members of the party might go on the platform with Congress speakers during the election. This would be embarrassing to the Viceroy, but if the party were well chosen I should think the risk of this being seriously embarrassing is not very great. Lord Wavell was quite favourably disposed to the possibility of a party going out last year. Sir R. Dorman-Smith mentioned in his last letter the possibility of some M.P.s visiting Burma and this could be an additional objective for some members of the party at any rate.

In case you might like to pursue this idea, I attach a draft minute[1] to the Prime Minister, whose approval is clearly necessary. It would be possible, of course, to go to the Viceroy first, but I think on the whole it may be best to get the Prime Minister's views. Possibly you would care to talk this over with Mr. Henderson next week, but I have put up the minute as I shall be away.

Sir D. T. M[onteath] is in favour of this.

F. F. T.

[1] Not printed.

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Sir D. Monteath to Heads of India Office Departments

L/WS/1/978: f 58

28 September 1945

The statement of His Majesty's Government's policy made by the Viceroy on the 19th September[1] announced that "His Majesty's Government are proceeding to the consideration of the content of the Treaty which will require to be concluded between Great Britain and India".

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It is consequently necessary that the Departments concerned should undertake forthwith the examination of this problem and express their views on the general nature (not the precise drafting) of the provisions which they consider should be incorporated in the Treaty in relation to the matters with which they respectively deal. I should be glad if you would put this in hand and let me have your at any rate provisional views before the 31st October supplying eight copies of your separate memoranda. There is no need at this stage to consult other Departments of H.M.G. (e.g. the Service Departments or Treasury) who are or may be concerned.

The kind of Treaty which we have to consider is that the signature of which was described in the Cripps Offer as one of the two conditions for the acceptance and implementation by His Majesty's Government of the constitution devised by the constitution making body. In the words of the Draft Declaration of the 30th March 1942 the Treaty "will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands; it will make provision, in accordance with the undertakings given by His Majesty's Government, for the protection of racial and religious minorities; but will not impose any restriction on the power of the Indian Union to decide in the future its relationship to the other Member States of the British Commonwealth."

Sir Stafford Cripps made it clear in 1942 that His Majesty's Government were not going "to make any condition in the treaty as regards guaranteeing the vested rights of British interests in India". That is, the principal Treaty referred to above will not embrace such matters as would normally be covered by a Commercial Treaty; these matters will be reserved for negotiation with the new Indian Government. This position has been explained to and accepted by the European business interests concerned.

The subjects which the Treaty may be expected to cover, and on which it is necessary to get our requirements clear, are such as Defence, Foreign Policy, Relations with the States, Financial Adjustments, Rights of the Services, Protection of Minorities, etc. For the assistance of, and consideration by, Departments I attach a memorandum[2] on the question which Sir John Hubback wrote by invitation in 1943.

When the views of Departments have been received, it will probably be found necessary to set up some machinery for joint discussion and further action in the preparation of a draft Treaty.

D. T. MONTEATH

[1] No. 116. [2] See Vol. V. Appendix I to No. 246.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *28 September 1945*
Received: 3 October

Many thanks for your letter of 18th September[1] which I have just received. I am glad to hear you had a good journey.

2. I am very sorry if you feel, as I gather you do from your telegram[2] received yesterday, that the appointment to Bengal has been made without adequate consultation with you. I quite realise that you naturally expect to be consulted about the Presidency appointments, but I had thought that in our conversations in London I had told you what we had in view and I did not realise that you would wish to have a further opportunity of expressing your views about it. I have not got any further with the Madras appointment yet. I note your feelings about it as expressed in paragraph 4 of your letter. I shall be seeing the person in question next week and I do not regard myself as committed to that proposition at present.

3. The Indian reaction to the announcement is of course disappointing but I do not take it too tragically. I happened to be speaking in my old constituency at Edinburgh last Sunday just after the news of the Congress resolutions came through. I hope that what I said, which has been telegraphed out verbatim, was appropriate to the occasion. We have to bear in mind that the Congress are politicians and that naturally they cannot receive any proposals with overt enthusiasm, especially when the election is imminent. None the less, the resolutions of which you sent me the full text are, I agree, most lamentably unconstructive and unconciliatory. I propose to circulate the text of them to my colleagues on the India Committee, as they clearly ought to know what we are up against.

We shall have to turn our attention now to the question of the treaty to which we have said we are giving urgent consideration. I should be glad if you would let me know what you contemplate doing in India. I propose to set up here a working party of officials with some of my Advisers to get down to this question and I dare say that later on I shall send you out the preliminary results of their work for criticism. It might be a good idea if you set up something similar in India to survey the ground. After an official examination we might have to consider getting some of your people over here to work out the final form before I put it up to the India Committee. We have a certain amount of time, but it may be a difficult matter and we do not want to be rushed with it next year.

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4. It seems to me that a very important question which will have to be settled in connection with any constitutional developments is the position of the defence forces in India. As soon as you approach the question of responsibility for Defence the demand arises for Indian control. It was clear during the Cripps Mission, for example, that while the Congress would have been willing to accept a British Commander-in-Chief in India, they wanted the civilian control of the defence forces, such as is exercised by the Secretary of State for War here, to be given to an Indian. It does not seem to me that we shall be able to avoid this in connection with any constitutional settlement or indeed for very long in connection with any interim Executive which has the support of the main Indian parties. If Indians are to have such control, integration of G.H.Q. with the War Department on War Office lines would no doubt help to regularise the position and give an Indian War Member or Minister a defined area of responsibility. It is clearly not to be expected that His Majesty's Government would place British forces in India under the control of an Indian Government which is not ultimately responsible to Parliament. Although an interim Executive might be so responsible in theory it would not be very much so in practice and if we have to make arrangements which will fit with a completely responsible Indian Government we might as well work them out and apply them in respect of any interim arrangements.

5. I quite recognise that this general proposition involves most complex and difficult problems of organisation. During the war it was impossible, of course, to consider any major reorganisation of the Defence Forces, but I take it we are now faced with that in any case before very long. The obvious layout would be to have such British forces as are in India administered by His Majesty's Government in the same way as they administer British forces in Egypt or elsewhere; while the Indian Army would be under the control of the Indian Government. But that brings one up against the question of how British units which form part of an Indian Army formation should be treated, and some way will have to be found of dealing with them which does not place their terms and conditions of service under the control of an Indian Government or give the Indian Government the right to send them into action in a quarrel of their own making with which the British Government are not associated. That applies not merely to making war or to controlling tribes on the frontier, but to civil disturbances. I suppose it might be possible to have British units serving with the Indian Army which were administered by His Majesty's Government on the basis of an agreement that they would not be used for any purpose whatever without the assent of the Governor-General in his discretion, but all this wants

[1] No. 115.

[2] Tel. 224-S.C. of 26 September in which Lord Wavell expressed some surprise that Mr F. J. Burrows' appointment should have been made 'without any previous reference to Viceroy except to mention that his name was under consideration'. L/PO/8/34a: f 99.

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examining in close detail. The problem is difficult enough when discussed in terms of units: it may be even more complicated in relation to staffs, or individuals. I understand Auchinleck has a party of planners at work on these matters. I should be interested to hear how his mind is turning on them. It seems to me we ought to give them close and urgent attention as it may be necessary to decide them before the form of the treaty can be decided and that even before we come to that we shall need to have practicable proposals and perhaps alternative proposals to put before a constitution-making body.

[Para. 6, on the Maharaja of Rewa and the administration of Rewa; and para. 7, on the higher technical training scheme, omitted.]

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 36 *1 October 1945*

Many thanks for your letter of 21st September.[1] Before it arrived my Public Secretary had prepared the draft of a letter to the India Office showing what is being done in the various Provinces about the Provincial electoral rolls. This letter was despatched on 27th September[2] and should be delivered well before the 9th October. I have now asked my Public Secretary to examine paragraph 4 of your letter and I will telegraph further information if necessary.

2. I am consulting Glancy about the allegations that Ministers and officials are interfering improperly in election matters. From now on you will receive complaints from all over India of all kinds of malpractices. Many of these complaints will be completely untrue or a gross distortion of the facts. But you no doubt realise that the attitude of the average Indian politician to an election is rather like that of our own people in the eighteenth century. He argues that the Government in power has a certain pull, and it would be folly not to make use of it; so it is quite certain that the Government in power does make use of it. I should say that most of the officials are straight enough, but some Ministers undoubtedly bring pressure to bear on subordinates, and it is much more difficult for Indian than for British officials to keep straight. Political influence is however by no means confined to the Ministers, and so far as the officials are concerned, there is probably little to choose between the influence of the various parties. It is commonly said that in the Punjab the Unionist Government is arranging official postings so as to keep men with Muslim League affinities out

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of the key districts. The Unionist Government can retort that the postings were made in the ordinary course of routine, and that the interest of the Muslim League in particular officials is most improper! I doubt if we shall ever find out exactly what is happening, but most of the complaints should not be taken too seriously.

3. I have instructed Governors and the Home Member to keep you as fully informed as possible about disturbances and law and order matters generally. You have just had a report from Colville about the communal riots in Bombay,[3] and I think the need for prompt reports about disturbances and calamities is fully understood.

4. My External Affairs Department has received the letter for the Maharaja of Nepal and it has been handed over to Falconer, who has been here on a short visit. I am grateful to you for getting it and I am sure the Maharaja will be pleased.

5. I will reply later to your suggestion about opium smoking. My impression is that the abuse of opium in India is comparatively rare and that in some Provinces at least opium smoking has been illegal for many years. As you know, opium is used throughout India as a domestic medicine, and I have never heard that the number of addicts is particularly large. But I agree that we are vulnerable about opium and I will see what can be done.

6. There have been no important developments in India since I last wrote. The Congress leaders continue to make intemperate speeches and there has been one long and entirely unjustified attack on Hallett by Katju, who was Advocate-General under the Congress Government in the United Provinces. The threatening and violent language used by the Congress leaders is undoubtedly having a depressing effect on the District staffs and on the non-officials who supported us during the war. There is a real fear that if Congress Ministries return to office in the spring, there will be widespread victimization, and the Congress, for all their soft talk about non-violence, can be and are ruthless and vindictive. It is this side of the Congress mentality that causes the genuine fears of the Muslims.

7. Congress are making great play in support of the I.N.A., demanding their unconditional release and sometimes lauding them as heroes. It is reported that Sapru has been briefed to defend those placed on trial. I think this may recoil on the head of Congress if they go too far. I saw two battalions of Gurkhas at Dehra Dun, who have returned from Prisoners of War camps in Malaya. They were far more bitter about the I.N.A. than about the Japs, and said that the

[1] No. 120. [2] L/P&J/8/470.

[3] Tel. 43-S of 28 September. Sir J. Colville reported that 18 persons had been killed in Bombay City on the night of 26 September 1945 in what was apparently Hindu-Muslim rioting. L/P&J/8/574.

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worst of their ill-treatment came from the former. Their one request to me was to see that stern justice was dealt out to the I.N.A. The Commander-in-Chief tells me that this feeling is universal amongst the returned P.O.W., and that there are some very ugly cases to come for trial of torture and murder of loyal soldiers by the renegades.

8. The Muslim League are still very quiet. There are further signs that the Nationalist Muslims are uneasy and the former Congress President in the Punjab—one Iftikhar-ud-Din—who resigned his office a few weeks ago has now left the Congress and joined the League. Others are likely to follow him, for the Muslims who tried to speak at the A.-I.C.C. session on the self-determination issue were shouted down, and the feeling that the Congress will not treat the Muslims fairly is growing.

9. The situation in French Indo-China and the Netherlands East Indies will give us some trouble. Indian troops are involved in both places, and we shall be attacked for allowing His Majesty's Government to use them to suppress national movements. It was of course most necessary to disarm the Japanese, and to maintain order while this was being done. But I hope that His Majesty's Government will be able to disengage the troops, both British and Indian, as soon as possible and leave the business to the French and Dutch.

10. I was away on tour at Dehra Dun when Council met during the week. The only important case discussed concerned our representation at the Preparatory Commission of the United Nations and the ratification of the San Francisco Charter. Council decided that we must ratify without waiting for the Legislature to meet next year. No doubt we shall be criticised for taking this line, but unless we ratify now, we shall be unable to take part in the various elections which are to be held in December and in the decisions about organization, etc. Council held definitely that we must be represented on the Preparatory Commission and later in the General Assembly by a serving Member of Council, and Mudaliar was the obvious choice. I shall be sorry to lose him, even temporarily for the Supply Department is important and he is the ablest of my Indian colleagues. But after discussing the matter with him I decided to accept Council's view and let him go. I have informed you of this by telegram and also that I propose to appoint Waugh, the Secretary in the Supply Department, as a temporary Member of Council while Mudaliar is away.

Spens drew my attention the other day to an announcement in *The Times* about the nomination of candidates for election as Judges of International Court of Justice. I understand that a formal invitation to send in a nomination has since been received and I hope we may be able to submit a name.

11. My discussion with the deputation of Princes took place on 28th September. The Political Department had expected it to last for two days, but we

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finished it in two hours. My preliminary talk with the Chancellor had evidently cleared the air and the atmosphere was friendly. I will have a separate report of this discussion sent to you. We did not of course settle any of the major difficulties, but for the time being the Princes are perhaps in a better frame of mind. They have to let me know later whether they want a session of the Chamber during the winter. I imagine that they will.

[Para. 12, on the proposed Indian Art Exhibition in London, omitted.]

13. I hope to reply before very long to your letter of 24th August[4] to Colville about the Backward Tribes. Menon is dealing with the matter, but has been busy with election and other urgent affairs since he returned.

I have also received your letter about commercial discrimination,[5] on which I hope to have a discussion with Mudaliar, Dalal and Rowlands, on 5th October. Azizul Haque is away, but the Commerce Secretary will know his views.

14. I feel that the Colonial Office might have allowed us rather longer for the examination of the Soulbury Report.[6] I have an impression, perhaps wrong, that it is only a good deal of insistence on my part that has secured even this measure of consultation. My Indian colleagues have from the first said that the Colonial Office would make a secret bargain with Senanayake and that India would only be informed of it afterwards. When they hear that we have been allowed only ten days in which to consider a long official report, they will probably make some cynical observations. The report may have to be taken in Council while I am away on my next tour, but I will try to see that it is properly considered and that you get our opinion within the time allowed.

15. I am grateful to you for letting me know the position about Palestine.[7] The long-term proposal will probably not cause much excitement in India, but if the short-term decision goes seriously against the Arabs, we may have a good deal of unrest among the Indian Muslims. Communal feeling is growing and the Bombay riots are a symptom of the tension we must expect during the next few months. I do not suggest that Palestine will be made a communal issue—in fact it is an issue on which the Hindus and Muslims might join hands. But the communities are undoubtedly in an excited state and anything likely to raise the political temperature is to be avoided.

[4] No. 66. [5] No. 118.

[6] *Ceylon: Report of the Commission on Constitutional Reform*, Cmd. 6677.

[7] In tel. 506 of 28 September, Lord Pethick-Lawrence informed Lord Wavell that H.M.G. were considering the question of an announcement on Palestine. On long-term policy, the announcement was likely to state that H.M.G. would, before implementing any proposals, submit them for consideration by the U.N. when applying for an Agreement placing Palestine under Trusteeship. On short-term policy, Lord Wavell was told that the Cabinet were considering the question of Jewish immigration during the interval before a Trusteeship Agreement came into force. He was assured due weight was being given to his minute of 3 July on this subject (Vol. V, No. 567).

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16. I am about to write to Governors on the arrangements for the resumption of regular recruitment to the I.C.S. and I.P. I wrote at some length to Amery on this subject early in 1944.[8] Since then recruitment on the old basis with the substitution of retiring and compensation grants for pensions has been approved for "war service" vacancies. It is not easy to say what should be done for the vacancies occurring in 1946 and subsequent years. The alternatives are to continue recruitment by the Secretary of State, or to transfer the recruitment to the Governor-General-in-Council—in other words to convert the I.C.S. and I.P., without changing their names, into Superior Central Services recruited and controlled in India. Mudie is in favour of the latter course, as he thinks it would lead to a smoother transition from the present to a new form of Government. He would leave it to the Provinces to say each year how many British candidates they wished to recruit, and the Central Government would presumably be able to include a reasonable number of British candidates in the Central Reserve which is carried by the Provinces. I have no idea what the views of Governors will be, but I hope to be able to send you formal proposals in about a month's time.

17. I am seriously concerned at the curtailment of the number of sea passages available for civilians in the last quarter of 1945. On 1st September we had a waiting list of 2,000, and to meet current demands and at the same time to work down on this waiting list, we need at least 1,500 passages a month. The War Office have told the War Department that not more than 400 passages will be available and that service wives and families must have the first priority. Auchinleck thinks that the War Office referred only to troop ship accommodation, and that there may be about 300 commercial and air passages in addition. As he has something like 650 service wives and families to accommodate each month, the War Office computation leaves us with only 50 for all the rest. The India Office figures were 1,250 for the quarter or about 420 a month, and these figures apparently include all the passages available both by sea and air. If there are only 420 passages a month and the service wives and families are to take priority, there will be no passages for other civilians at all. It is urgently necessary from the administrative point of view to get British civil servants in this country and the British employees of firms in India home on leave, and to provide for wives and for children who have to get home to be educated. If His Majesty's Government persist in treating the British civil servants and the British employees of firms in India as having no rights whatever, the effect on morale and contentment, and on future recruitment may be very serious. There is also the problem of the Indian students. China seems to be able to send students abroad in very large numbers but for some reason India is unable to do so. I shall probably be telegraphing to you about all this before long.

18. We had a pretty strenuous 3 or 4 days at Dehra Dun, as there are many

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schools and institutions there to visit—St. Dunstans, the Forest Research Institute, the Doon School (the only school in India on Public School lines), the Royal Indian Military College, Hospitals and Convalescent camps, as well as a number of military establishments and welfare Institutes. We go to Kashmir for a visit next week, and I hope it will be more restful.

[8] Vol. IV, No. 450.

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Field Marshal Viscount Wavell to all Provincial Governors

L/S&G/7/286: ff 12–13

SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 676/24/G *3 October 1945*
My dear ——,

In my circular letter No. F. 41 (6)–G.–41 of 1st February 1944[1] I asked for opinions about future recruitment to the Indian Civil Service and the Indian Police. At that time we were considering recruitment both to "war-service" vacancies and to ordinary vacancies after the reservation of posts for "war-service" candidates ceased. The Home Department had recommended the recruitment of the British element on short term renewable contracts, or for an indefinite period subject to express stipulations about uncertainty of tenure and compensation; and the provincialization of the Indian element, with the possible alternative of creating for the Indian element an All-India Service recruited by the Government of India.

2. The Home Department's proposals were not generally favoured by the Governors. Most of them felt that it would be a mistake to abolish the two security services in anticipation of political changes which might be delayed for a very long time. There was also opposition to discrimination between the British and Indian element, except in so far as distinctions might be justified by non-Asiatic as opposed to Asiatic domicile. Only three Governors thought the provincialization of the Indian element desirable. Maxwell, who was then Home Member, consulted Mudaliar, Azizul Haque and Ambedkar. Azizul Haque and Ambedkar favoured the substitution of new central services recruited in India for the I.C.S. and the Indian Police; Mudaliar thought that provincialization was desirable. Mudaliar and Azizul Haque favoured some British recruitment, and suggested that the British element might be supplied on short-term contract or by the secondment of officers from the Home Civil Service. Ambedkar doubted the need for any British element.

[1] L/S&G/7/262: f 477.

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3. After considering all the opinions received I advised the Secretary of State in March 1944[2] to re-open recruitment to both Services on the old basis, subject to special compensation terms for the British element. It seemed to me at the time that this was the safest course to recommend. I am clear that India will need a British element in the principal Services for a good many years. Whether the politicians will accept it or not is another matter, but I felt it wrong to assume that they would wish to abolish the I.C.S. and the Indian Police as All-India Services as soon as any major constitutional change occurred. This being so I doubted the wisdom of reducing the status of the Indian element and attempting to recruit the British element on different and presumably on superior terms.

4. The Secretary of State decided to take up in the first instance recruitment to the "war-service" vacancies only. For this he has approved both for British and for Indian candidates recruitment on the old basis with the substitution of retirement and compensation grants for pensions. All vacancies occurring in the two Services up to the 31st December 1945 will be treated as "war-service" vacancies. The Secretary of State deliberately left open the question of subsequent recruitment, and it is on this that I now ask for your advice. Under Section 244 of the Government of India Act, 1935, the Secretary of State remains responsible for recruitment to the I.C.S. and the Indian Police until Parliament otherwise determines, but the Governor-General may at any time make recommendations for the modification of the arrangements contemplated by the section.

5. We do not yet know when the next major constitutional change will occur, but I suggest we must assume, *first*, that in order to maintain administrative standards India will need in the future, as in the past, All-India Services corresponding to the I.C.S. and the Indian Police; *secondly*, that in both these Services a strong British element would be most valuable; and *thirdly*, that if a British element is retained its conditions of service must be the same as those prescribed for the Indian element, except in so far as distinctions based on domicile can fairly be made. It would be unfair to the Indian government of the future to decide now on the provincialization of the Indian Civil Service and the Indian Police, and it would also be unfair to make it impossible for them to recruit a British element to these two Services if they wished to do so.

6. There therefore seem to be two possible alternatives:—

(*a*) For the Secretary of State to continue recruitment to the two Services on the old basis subject to the modifications approved for "war-service" candidates; or

(*b*) For the responsibility for recruitment to be transferred to the Governor-General in Council, the conditions of service being approximately the same as those under (*a*) above.

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I believe that alternative (*a*) would be more likely to attract British recruits, but it would be open to the objection that, as the Secretary of State could not bind a self-governing India to take over the officers recruited by him, it would not make any sure provision for the Civil Services of the future, particularly for the British element in these Services. It would also be open to the political criticism that continued recruitment by the Secretary of State was inconsistent with a promise of early self-government.

The present Home Member favours alternative (*b*). He believes that the main criticism against the I.C.S. and the I.P. is that they are recruited and controlled by the Secretary of State and that if the two Services were recruited and controlled by the Government of India the objection to the recruitment of a British element would be considerably reduced, particularly if it were made clear that the Secretary of State had left the question of British recruitment entirely to India. Recruitment by the Government of India would also ensure continuity in the transition to self-government. The Government of India should therefore assume responsibility for recruitment to both Services, to fill the Provincial cadres and to provide the usual reserve for Central appointments. Each Provincial Government would be asked to state from year to year how many British officers they wished recruited for them and the Government of India would have a voice in the number of British officers recruited for the Central reserve. Both services would be placed on a Provident Fund basis with a lump-sum grant on retirement instead of pension. The British element would be entitled to Overseas Pay as at present. In the case of the British, but not of the Indian element, some arrangement would probably be necessary by which service could be terminated by either side, either at any time subject to due notice or at stated intervals. The names of the two Services would be unchanged, and there would of course be no change in the status or conditions of men recruited to them by the Secretary of State in the past. The Home Member points out that should India be divided into two or more sovereign States or into loosely federated regions the arrangement he suggests could be adapted without difficulty to the new conditions. The States or regions concerned would take over the members of the Services belonging to them and become responsible for future recruitment.

7. His Majesty's Government have recently approved in principle[3] a proposal made by the Commander-in-Chief that the recruitment of British Officers to the Indian Army should cease and that the British element in the Indian Army should in future be found by the secondment of officers from the Home establishment. A similar arrangement for the Civil Services in India might be worth considering. It would mean that the Home and/or the Colonial Civil Services would have to recruit annually a certain number of men who would be

[2] Vol. IV, No. 450. [3] No. 108.

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available to serve in India. British Officers up to a number agreed between His Majesty's Government and the Government of India would then be made available for service in India on secondment. The main objections to an arrangement of this kind are that seconded officers would not for some time be fit for service in the Districts; that Indian opinion would resent any linking of India with the Colonies; and that the result of any major constitutional change might be the immediate elimination of the British element in the Indian Services.

The first of these three objections is not very strong, for if officers were seconded on joining their parent Services, a good many of them would probably be content to serve on in India and make their careers there. The second and third objections—and particularly the third—have greater weight. But I think that the possibility of a system of secondment is worth putting to you.

8. I should be grateful for your advice on the Home Member's plan and on the possibility of a secondment system; and for any suggestions you may have to make for an alternative plan. (Will you please consult your Premier before replying.)[4]

9. As this matter is now urgent I shall be glad if you will kindly send me your reply within about a fortnight if possible.[5]

Yours sincerely,
WAVELL

[4] The sentence in brackets was sent to the Governors of Punjab, Assam, N.-W.F.P. and Sind only.
[5] See No. 323 for a summary of the Governors' replies.

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Lord Pethick-Lawrence to Mr. Attlee

L/PO/6/102c: ff 445–7

CONFIDENTIAL INDIA OFFICE, *4 October 1945*

Secretary of State's Minute: Serial No. 15/45

Prime Minister

At the beginning of this year there was a considerable demand among Members of Parliament, particularly in our own Party, for permission to go to India and make contacts with the political situation there. Some Members also wanted to go to examine the welfare conditions of British troops in India. The demand was resisted,[1] primarily on the ground that passages could not be made available, but also because it was not felt opportune such a party should go out at

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a time when the proposals leading up to the Simla Conference were under consideration.

I think that this demand is certain to be revived in the near future and that we shall be pressed by some Members of our own Party to allow them to go out. The interest in Services welfare has largely died away, but interest in the political side is likely to increase. I am inclined to think that it would be better to forestall this demand by making a proposal ourselves that a small number of Members drawn from all Parties in suitable proportions should go out towards the end of this year. The sea passage situation is still very bad and many people are suffering hardship because of it, but I think air passages could be made available and possibly the Government of India might be prepared to invite a party under the auspices of the Empire Parliamentary Association.

No doubt if this were done it would produce a crop of minor embarrassments for me, but in the long run I think it would be a good thing. There are a good many Members of the Party who take a keen interest in India but lack real knowledge about it. I think Wavell would be willing to make good arrangements for them to have proper contacts with officials, though of course we must expect them to make their own contacts with political circles in India. One danger is that they might get drawn into electioneering in India but I doubt if that would have much effect out there or do any serious harm, though some indiscretions might be committed.

It is relevant to add that Dorman-Smith has suggested that it will be desirable to have a visit from Members of Parliament to Burma fairly soon after the Civil Government gets back and the time for that might be right about February or March, and the whole or part of the delegation could go on there.

I have not consulted Wavell about this yet but if you are disposed to favour the idea I would take it up with him privately and see whether he is agreeable.

[1] See Vol. V, No. 253, note 7.

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Cabinet C.M. (45) 38th Conclusions, Minute 3

L/P&S/12/2639: f 257

Those present at this Meeting held at 10 Downing Street, S.W.1, on 4 October 1945 at 11 am were: Mr Attlee (in the Chair), Mr Herbert Morrison, Mr Ernest Bevin, Mr Arthur Greenwood, Mr Hugh Dalton, Mr A. V. Alexander, Lord Jowitt, Mr J. Chuter Ede, Viscount Addison, Lord Pethick-Lawrence, Mr G. H. Hall, Viscount Stansgate, Mr G. A. Isaacs, Mr E. Shinwell, Mr Aneurin Bevan

Also present during discussion of item 3 were: Lord Nathan, Sir Orme Sargent

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Indian Minister at Washington

(Previous Reference: W.M.(44) 100th Conclusions, Minute 2)[1]

The Cabinet had before them a memorandum by the Secretary of State for India (C.P. (45) 147)[2] recommending that the Cabinet should reconsider the decision taken by the Coalition Government on 3rd August 1944, that no change should be made in the status of the Indian Agency-General in Washington.

THE SECRETARY OF STATE FOR INDIA said that, since this decision was taken, the position had been changed by the offer made to India on 14th June, 1945, which included the proposal that the Agency-General in Washington should be elevated to the status of a Legation. Although the offer as a whole had been rejected, he felt that it would be right to proceed at once with the proposal that the Indian Agent-General in Washington should be given the status of a fully accredited Minister. Both the Viceroy and H.M. Ambassador in Washington favoured this proposal.

If this were approved, similar action should be taken in respect of the Indian Agency-General at Chungking.

The Cabinet—

Approved the proposal put forward in C.P.(45) 147; and invited the Foreign Secretary to approach the Governments of the United States and China with a view to securing their consent to the proposal that the Indian Agents-General in Washington and Chungking should be given the status of fully accredited Ministers.

[1] Vol. IV, No. 623. [2] No. 93.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *5 October 1945*
Received: 13 October

I have for acknowledgment your letter of 23rd September.[1] I am grateful for the information you give in it which will be most helpful to me. You will have seen that in my speech at Musselburgh I expressed a view about Indian criticism of your broadcast similar to that of your first paragraph. I shall be writing to you later on about some of the other points you mention.

2. Swayne arrived by air yesterday and I was able to have a short but valuable talk with him this morning regarding three questions which are being

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specially criticised in India just now, namely the use of British and, more particularly, Indian troops in Indo-China, the unrest among African troops in India, and the treatment of the JIFS and I.N.A. As regards the first two of these, I later attended a meeting of Ministers and put our case forcibly, but in view of the shipping arrangements which have already been made I was not able to secure any substantial modification which would be of real help in solving either of these problems. With regards to JIFS and the I.N.A., Swayne tells me that under the present proposals it is not intended that any Indian soldier shall be executed unless he has been directly responsible for the death and possibly the torture of a fellow-Indian. If this is the case it will take the wind out of Congress criticism and present no difficulty in defence here in Parliament. You will have received in the meanwhile my telegram[2] on this subject, and no doubt I shall shortly be receiving your reply.

3. When I received a deputation of Labour M.P.'s a week or so ago[3] one of them, Platts-Mills, mentioned that he had reliable information that sentences of as much as 40 years had been passed in connection with the Congress disturbances, some on quite young boys aged 14–16. He said that this had been done by special tribunals and not by the ordinary Courts. I have been making enquiries here but we do not seem to have any information in the India Office about cases of this sort and Casey, whom I have consulted, tells me that whilst he cannot be sure he is under the impression that these long sentences are in fact always commuted to 14 years. I do not propose to pursue the specific cases referred to by Platts-Mills unless and until he is able to supply the fuller particulars which I told him I should need, but it would be most helpful if you could let me know what the general position is in regard to (1) the conviction of juveniles for political offences and (2) the maximum period for which juveniles or adults have been and continue to be imprisoned (possibly as a result of sentences running consecutively).

4. I am expecting to see the Prime Minister during next week about the appointment of a Governor for Madras; I have already shown him your telegram[4] on this matter.

5. I have received your private and secret letter about obtaining for Auchinleck the rank of Field Marshal. His valuable work is highly appreciated, in particular his handling of Indians. This has no doubt been a tremendous asset in the successful expansion and administration of the Army during the war. I am approaching the proper quarter with regard to it.

[1] No. 121.

[2] Tel. 22012 of 4 October in which Lord Pethick-Lawrence asked for a forecast of the likely numbers of cases in which the death sentence would be passed and those in which it would be confirmed. L/WS/1/1577.

[3] See No. 111. [4] See No. 115, note 2.

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6. I have been having some fruitful talks with Casey who has been exceedingly active in regard to Bengal affairs during his brief visit. I think that his trip has been well worth while. He has discussed the rice situation with me, and I am doing what I can to help. I find that we understand one another on the matter of detenus which I appreciate is an especially difficult problem in Bengal. Casey is due to give a talk to Members of both Houses next Wednesday and he will I am sure acquit himself with success and bring home to some of our younger politicians the true nature of the problems which face us. Casey will be leaving the same evening to catch his plane and I understand that he hopes to be able to visit you on his way back to Bengal.

7. You mentioned in your letter that Sultan Ahmed had been offered one of the new adviserships to the Princes. I appreciate your difficulties over successive resignations of Moslems from the Council and I telegraphed yesterday to say that I could see no reason why Hydari should not be appointed temporarily as a Member of Council until we see what develops in the future. I hope this solution appeals to you since otherwise I fear that it might be difficult to give Hydari any firm assurance of future employment.

8. The Cabinet considered yesterday[5] my Paper suggesting that Bajpai should now be made a Minister and I secured their agreement, not only in the case of Bajpai but also to the upgrading of the post at Chungking. The Foreign Office will now approach the United States and Chinese Governments and I hope that we shall see some results before very long.

9. I was interested in your ideas about your address to the associated Chambers of Commerce in Calcutta. I have much sympathy with you in desiring to give expression to some of the points you mention but I will think about this and hope to be able to write again on this subject in the course of the next week or so.

[Para. 10, on a possible K.C.I.E. for Lieutenant-General Wheeler, omitted.]

11. My attention was drawn to Kashmir affairs a little time ago by the Reuter report of Jinnah's telegram[6] to you on the subject dated 22nd August. I see that your Private Secretary sent an interim acknowledgment and promised that you would reply to Jinnah on your return. I shall no doubt receive shortly a copy of your reply.[7] Meanwhile I have been looking at the more recent reports on Kashmir and I cannot help feeling (a feeling which you no doubt share) that this State may give us some trouble before long. I should be very glad to have your impression of the situation there in the light of the appointment of the new Prime Minister and I am sure that you will keep me closely in touch with developments.

[5] No. 130. [6] No. 55. [7] No. 110

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Governor-General (War Department) to Secretary of State

Telegram, L/PO/10/25

IMPORTANT
SECRET

NEW DELHI, *6 October 1945, 4.25 pm*
Received: 7 October, 9.30 am

No. 12078. Your No. 20364,[1] September 14th, to Viceroy. Future officering of Indian Forces.

First. Following Press Communiqué agreed on 5th October by Council is forwarded for your approval:—

Begins. The Government of India have had under consideration for some time the policy to be followed in the future officering of the Royal Indian Navy, the Indian Army and the Royal Indian Air Force, and, in agreement with His Majesty's Government, have made the following decisions.

The grant of permanent commissions in the Royal Indian Navy and the Indian Army will, in future, be restricted to Indians and to other persons domiciled in India who are subjects of His Majesty or of a Prince or Chief in India. The recruitment of officers to the Royal Indian Air Force is already subject to this restriction. As a temporary expedient, however, and in order to meet immediate needs, it has been decided to offer 40 regular commissions to European officers of the R.I.N. reserves. This will enable the R.I.N. to obtain officers of intermediate seniority with war experience, a category to fill which a sufficient number of Indian officers is not at present available.

It will be generally recognised that the three Indian Services will still require a quota of British officers until such time as there is an adequate supply of qualified Indian officers completely to fill all grades in the officer cadre. It has been decided therefore that such British officers as may be required in the three Indian Services shall hereafter be obtained by secondment or attachment from the Royal Navy, the British Army and the Royal Air Force respectively for so long as may be found necessary. The quota of seconded or attached British officers of the three Indian services will be systematically and progressively reduced as Indian officers become available.

Certain matters arising out of these decisions, such as the duration of periods of secondment or attachment of British officers from British Services, and the terms and conditions under which such officers will serve, are being examined by the Government of India in conjunction with His Majesty's Government.

These decisions do not in any way affect the position of regular British Officers already holding permanent commissions in the Royal Indian Navy and the Indian Army. *Ends.*

[1] No. 108.

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Second.—Commander-in-Chief proposes holding Press Conference on this subject on October 15th which would mean publication in press—India and U.K. on 16th. Grateful if your examination of Communiqué can be completed to fit in with this programme.[2]

[2] In tel. 22564 of 11 October to G. of I., War Dept. the S. of S. approved the draft Communiqué but suggested two amendments. After further exchanges it was agreed: (1) the second sentence of para. 3 should begin: 'It has been decided therefore that British officers for service in the three Indian Services shall hereafter . . .' (2) the words 'in any way' should be omitted from the last para. L/Mil/7/19590. The amended Communiqué appeared in the Press of 23 October.

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Sir A. Hope (Madras) to Field Marshal Viscount Wavell (Extract)

R/3/1/130: f 97

Report No. 8/1945 *6/10 October 1945*

5. There is a considerable amount of apprehension amongst all ranks of the Police as regards their future if a Congress Ministry returns, and it is taken for granted here that one will. Nehru's speeches on the subject have been followed with anxiety and one of our local M.L.As., T.S. Chokkalingam, took up the cry at a public meeting at Vellore. I thought prosecution under the Indian Penal Code might be possible, but found after enquiry that the newspaper reports rather exaggerated what he said. My Advisers have, however, suggested that the question of allowing gazetted officers of the Police and Revenue Departments to retire on proportionate pension should be examined, as this would give them a greater sense of security and I am following their advice.

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Sir G. Cunningham (North-West Frontier Province) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/222: f 29

CONFIDENTIAL *9 October 1945*

Report No. 15

A good many defections from Congress to the Muslim League have been reported in the last few weeks. They are symptomatic of the steadily increasing antipathy between the more highly educated Muslim and Hindu; communal feeling, at a high level, has been growing worse and worse since the breakdown of the Simla Conference, and in my opinion is now more serious than I have

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ever known it. Well educated Muslims of the senior official type, who never took much interest in politics before, are becoming almost rabidly anti-Hindu, and therefore pro-Muslim League. At the same time, I am doubtful if, for election purposes, the Muslim League have gained as much as they think they have. The Congress election campaign among the rank and file is, so far, more effective than the League's, owing to better organisation and more money. Moreover, the League are divided among themselves over the nomination of candidates and the leadership. Aurangzeb has been discredited because of the undignified methods he employed to retain his following when he was in power, and a strong section of his party wish to depose him from the leadership. The League's chances in the Election will depend on the efforts their central command is now making to improve the local organisation.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET VICEROY'S CAMP, (SRINAGAR, KASHMIR),
No. 37 *9 October 1945*

Many thanks for your letter of 28th September.[1] The Congress reactions to the political proposals are still unfavourable, and I enclose a cutting[2] from the *Hindustan Times* of 6th October which shows the line taken by Nehru, Pant and Purshottamdas Tandon when they opened the Congress election campaign in the United Provinces. Nehru is very bitter against the British régime in India and against the Muslim League, and the adoption for the campaign of the I.N.A. war cries is significant. We do not know what Vallabhbhai Patel meant in some of his Bombay speeches by his promise of complete independence within a few years. You will notice that Pant predicted that "India would be completely free in a year or two" and that her freedom "would not be a gift from the Labour Government, nor would it depend on its goodwill". Some people believe that Nehru's plan is to make use of the I.N.A.—large quantities of arms are said to have been smuggled into India from the Burma front—both to train Congress volunteers and as a Congress striking force; and also possibly to tamper with the Indian Army. He is said to have had conversations about the use of the I.N.A. for subversive purposes during his visit to Lahore. It is always difficult to say what Indian politicians really mean, as they use exaggerated language, but Nehru's uncompromising attitude implies that he is not opposed

[1] No. 126. [2] Not printed.

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to a violent mass movement of some kind. His mind is running on the "atrocities" alleged to have been committed by the authorities in 1942, and he repeated in his Lucknow speech his former threats of reprisals against officials. It is said that Gandhi is unhappy about the attitude of some of the leaders to 1942 disturbances and to the troubles in Satara and would prefer a much more co-operative line. If the Congress leaders continue in their present strain we must, I fear, expect widespread communal trouble and perhaps anti-Government disturbances as well. The Muslim League reactions are clear from a cutting from *Dawn* of 7th October which I also enclose.[3] Sir Cowasjee Jehangir, an influential Parsee and a political trimmer if ever there was one, came to see me the other day, I think inspired by Jinnah, and said that the communal tension was worse than ever, but implied that Jinnah was still open to a bargain—if he got all he wanted.

In the meantime the Working Committee of the All-India Scheduled Castes Federation has expressed its disapproval of our political proposals—I enclose a cutting from *Dawn* of 4th October,[4] which shows the line taken. As you know this is Ambedkar's organisation, which is hostile to the Congress, but it is probably more representative of Scheduled Castes opinion than any other.

2. Colville has kept you informed about the Bombay riots. They seem to have run the normal course, and during the last two or three days there has been a great improvement.

3. In paragraph 2 of my letter of 1st October[5] I told you I was consulting Glancy about the allegations that Ministers and officials were interfering improperly in election matters. I now send you a copy of Glancy's report.[6] I fear it is impossible to scotch allegations of this kind—the latest charge is that the Unionists are distributing reward grants of land, which are made to soldiers who have won gallantry decorations, in such a way as to strengthen the party position. As I told you in my last letter charges and counter-charges will be made until the elections are over, and there is very little that we can do about them. After the elections they will probably be forgotten. In this country the wildest allegations are made and published without any evidence at all, and the practice is so common that actions for defamation are very rare indeed.

4. You may remember the controversy after the Simla Conference about the publication of certain correspondence between Azad and myself.[7] The main letter in this correspondence forwarded the Congress list of candidates for appointment to the Executive Council, and made some comments on them.[8] Azad wished the correspondence to be published but I pointed out to him that as Chairman of the Conference I had undertaken to keep the party lists secret and that I could not, after the Conference had dispersed, authorise the publication of any list. Jinnah then took the matter up and suggested that there was something in the correspondence that we did not wish the Muslim League to

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know. I decided not to rise to this suggestion, and interest in the matter died down. But the Congress Working Committee circulated to members of the A.-I.C.C. a copy of the correspondence, with the list of candidates and the detailed comments on them omitted. The circular contained an injunction against publication but as is usual in this country the whole of it was published—in the *Free Press Journal* of Bombay on 24th September. The odd thing is that the letters have not been reproduced in any other paper and seem to have caused no comment whatever. The collection included Azad's long letter of 15th July[9] and my reply to it.[10]

5. I have taken up with my Reforms Commissioner the question of the treaty, to which you refer in paragraph 3 of your letter, and with the Commander-in-Chief the difficult problem of the future of the defence forces in India with which you deal in paragraphs 4 and 5.

6. I am very grateful for your help over the technical training scheme. Ambedkar is very keen about this—it was initiated partly as the result of a discussion between Bevin and myself in 1943, and I am sure that it will be most useful if we can get it going.

7. The National Defence Council held its nineteenth and final session on 2nd, 3rd and 4th October. We discussed a paper by Ambedkar—who was away but was represented by one of his officials—on his scheme for employment exchanges, which is now coming into action. We also heard the Commander-in-Chief on the future shape and size of the defence services. The Commander-in-Chief could of course deal with this matter only in a very general way and he made it clear that he could do no more than explain to the Council the general lines on which things might work out. We also had talks by Brigadier Thimmayya, one of the most distinguished of our Indian officers, on his experiences in the Arakan fighting; by a young Indian Squadron Leader on operations in the R.I.A.F. and by an Indian officer captured during the Japanese invasion of Malaya on his experiences as a prisoner of war. The statement of this last officer, a resident of Kotah State, who was personally known to many of the members including some of the Princes, was largely concerned with the activities of the I.N.A., and came immediately after an elaborate reply by the Adjutant-General and the D.M.I. to an enquiry by one of the members about the I.N.A. and the Government of India's policy towards it. The returned prisoner of war, who had obviously had a very bad time, explained that the original members of the I.N.A. were not patriots but disaffected Indians got together by a Japanese Major, named Fujiwara, and introduced into our lines before the fighting began. They won over Mohan Singh and the men who

[3] and [4] Not printed. [5] No. 127. [6] Not printed. [7] See Vol. V, Nos. 610 and 613.
[8] Vol. V, No. 572. [9] Vol. V, No. 614. [10] No. 65.

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formed the first so-called I.N.A. during the early days of the Malayan campaign. Mohan Singh and his men were then used by the Japanese to maltreat and torture Indian prisoners of war. The officer gave a moving account of the sufferings the prisoners of war had undergone at the hands of their own countrymen, and said that the men who had joined the I.N.A. did so not from patriotic motives but because they were too weak or cowardly to stand up to their persecutors. He and others had been shocked on their return to India to find that the men of the I.N.A. were in some political quarters acclaimed as the national heroes while the prisoners of war who had stuck it out were completely disregarded. He said that having seen the Japanese at work no decent Indian could have desired to support them in invading India and that the ideas of the politicians about the I.N.A. were entirely mistaken. The Council was surprised and shocked at this statement, which was news to most of the members, and I believe that when the courts-martial begin other people may be shocked too. The Congress have however given the lead to the political parties and not only the Muslim League but the Punjab Unionists have felt it necessary to put in a good word for the I.N.A. As I told you in my last letter, the prisoners of war who stood firm—the great majority—feel very bitterly about this, and I entirely sympathise with them.

The Council concluded its session with friendly speeches, and I had a dinner-party for the members on 4th October. Although the Departments have always regarded the Council as a nuisance, because the preparation of papers for a consultative body leads to no very tangible results, I think it did the work that Linlithgow had in mind when he established it in 1941. The members have given us a good deal of valuable comment and criticism, and some of them have been able to use the information they received at the Council sessions to steady public opinion. As you know, I think that a smaller body consisting of Provincial Premiers and representatives of the Indian States might be a useful adjunct to a political Executive Council under the present constitution.

8. The weekly Executive Council Meeting was held on 5th October, and we dealt with some important business. Sen's report on the food situation in Bengal,[11] of which I have already sent you a copy, was discussed, and Council agreed that we must, if possible, relieve the Bengal Government of the responsibility for feeding Calcutta. My colleagues expressed some concern at the apparent lack of administrative progress in Bengal and we decided to send the Government of Bengal a copy of the report, with certain modifications, and to ask for their comments. The D.G.I.M.S. and the Public Health Commissioner are to pay early visits to Bengal, and the Commander-in-Chief has offered the Bengal Government the services of a Jeep Company. The Food Department have telegraphed to you about imports and we shall need all the help we can get.

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Council discussed the Commander-in-Chief's proposals for the future officering of the Indian fighting services, and approved the draft of a press communiqué which has been telegraphed to you by the War Department.[12] The Indian Members were obviously pleased with the proposals and I think they will have a good reception.

Finally, we decided to send a small military mission to Berlin and the Commander-in-Chief is to select the officers. He hopes to put a good Indian officer in charge.

9. Sultan Ahmed saw me on the afternoon of the 5th October and told me he wished to resign to take up his new appointment with His Highness the Chancellor, but that he would send a formal letter of resignation. Since then he has written that he is in correspondence with the Chancellor and that he hopes I will not inform you of his resignation until I hear from him again. He is probably settling his financial terms—these Princely appointments are not very secure. I still think he intends to resign by the end of the month.

10. While the Nawab of Chhatari was here for the National Defence Council he raised with me, and also with the Political Adviser and my Private Secretary, the whole question of Hyderabad's status when constitutional reforms take place. He suggested that Hyderabad should be recognised as a separate sovereign State, should be given access to the sea and should be permitted to retain Berar under a condominium with the British. He also asked that the Nizam might be given the title of "King of the Deccan and Berar". These demands had been put forward in one form or another before. The Nawab was given no encouragement, and I am sure you will agree that any suggestion of a "separate peace" between Hyderabad and His Majesty's Government is quite unacceptable and would have a deplorable effect on the other Princes and possibly on British India. The Nawab recognised that it might be difficult for His Majesty's Government to cede Masulipatam, the port the Nizam has usually asked for in the past, and wanted our good offices to persuade the Portuguese to sell Goa to the Hyderabad Government!

[Para. 11, on an irrigation expert for the Iraq Commission, omitted.]

12. The nationalist newspapers are taking much interest in the events in French Indo-China and Java. Some days ago I telegraphed to Mountbatten pointing out to him the undesirability of using Indian troops to deal with disturbances in eastern countries, and expressing the hope that they might be disengaged as soon as possible. I mentioned this matter in paragraph 9 of my last letter[13] and I am sure you will support me. I realise the difficulties about shipping and share the Commander-in-Chief's apprehension about any great delay in moving from this country British soldiers who are entitled to go home. But from the Indian point of view it is of very great importance that the Indian

[11] L/E/8/3341. [12] See No. 132. [13] No. 127.

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troops should be disengaged from what is represented here as the suppression of patriotic risings, and I hope that shipping will be found to meet all essential needs.

[Para. 13, on a complaint on the application of import controls to Indian States, omitted.]

14. I hope you will not think I have stated our case for an increased number of civilian passages too vehemently. The problem is a very serious one. We are concerned with three classes of people—British officials and their families; British business men and their families; and Indians, largely business men and students, who have good reasons for going abroad. Judging from correspondence in the Indian newspapers there is an impression among the British soldiers that the British officials and business men resident in India have had a normal life throughout the war and deserve no consideration at all. In fact, they were liable to national service and the British officials were forbidden to take leave or to retire. This led to a good deal of trouble with some of the younger ones who wished to join fighting services, and some of the Governors had to tell them firmly to obey orders. The British business men were dealt with by National Service Advisory Tribunals and up to the age of 50 only those considered necessary for the war activities of their firms were allowed to remain in them. Many of these people have not been home for eight or nine years and some of them have been separated from their wives and children for the whole of this period. The British officials are going to have a very difficult time during the next two or three years and many of them are disheartened and discontented. Their pay is worth about half what it was before the war, we were slow in sanctioning dearness allowances, and in the smaller places where the rank and file of the services work, amenities have been scarce. It is really important that men who have worked hard under orders during the war should not be made to feel that they do not count; and if we are to keep the services contented and secure suitable recruits for them we must see that reasonable opportunities are given for home leave. Much the same arguments apply to the business men. As for the Indians, to us the economic future of India is as important as that of the United Kingdom and it is no argument to say that all the shipping is needed to take home the men who are to conduct the British export drive. If we are not careful Indians may begin to think that there are positive disadvantages in belonging to the British Commonwealth—by all accounts the Chinese have no difficulty at all with American help in getting their students abroad for training.

15. I am paying a visit to Kashmir at present, I will let you know my impressions later. Kashmir is restless and there is considerable possibility of political trouble; but one cannot judge much from a short visit.

[Para. 16, on the Governorship of Madras, omitted.]

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/6/102c: ff 442–3

INDIA OFFICE, *9 October 1945*

My dear Wavell,

I have mentioned to you before I think the rather unfortunate lack of first-hand knowledge of Indian conditions among the back-benchers of our Party in the House of Commons. I have been reflecting as to whether there is anything I could do to improve the situation in this respect and I should like to know how you would view the possibility of an all-Party delegation of Members of Parliament coming out to India towards the end of this year. I understand that there was some demand for a visit of this kind last autumn and again in the spring but that on both occasions it was set aside because of passage difficulties. I feel sure that quite soon this demand will revive of itself and if it is one that we can meet I should much prefer to make a move myself and be in a good position to influence the composition of the party. I think that if a party came out I could ensure that the people chosen from the Labour Party would, for the most part at any rate, be genuine seekers for the facts, though we should probably have to include Sorensen or one person of his type who would certainly spend a good deal of time in Congress company and might only see what he went to look for. Nevertheless, I think that Sorensen himself, if he were chosen and came in good company, would not be unaffected by the experience.

If this idea seems to you practicable, and I greatly hope it will do so, it would be very important to provide really good opportunities for the party to see the real thing and not to spend all their time talking with politicians or living in Government Houses. I would like them, for example, not only to get a close view of at least one industrial area in India but also to see district life if possible by staying for some days with a Commissioner of a good Division. I would also like them to see something of the Indian Army and of the Frontier.

I quite recognise that a visit of this sort would be likely to produce a crop of minor embarrassments for myself and also for you and your officials. It is possible that some members of the party might get involved in the election in India but I doubt whether that would have any serious effect and the spectacle of an election in India might make its own impression upon them. My idea would be a party of about eight or ten proceeding if possible under the auspices of the Empire Parliamentary Association. It would then be an all-Party affair chosen by a committee presided over by the Speaker and could include Members of the House of Lords as well as of the Commons. It would probably be approximately proportionate to the size of the Parties. The question will arise,

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however, of paying the expenses of the party. I have not [seen] the correspondence[1] but I understand that when Amery raised this with you some time ago you thought that the Government of India might be able to assist in regard to expenses in view of the fact that it is customary for the Empire Parliamentary Association in the Dominions to meet the expenditure for the parties which have visited the Dominions by invitation of the local branch of the Association there. On the other hand, I should not favour this if it would be likely to excite criticism in India.

I have mentioned this matter to the P.M.[2] who is in favour of it I understand if sound people can be chosen but subject, of course, to any views you may express. Could you let me know what you think about this so soon as may be as if it is to be done I should like to set it in motion quickly and forestall any private move which might be made at any time.

Sincerely yours,
PETHICK-LAWRENCE

[1] See Vol. V, Nos. 230, paras. 20–1 and 253, para. 9. [2] No. 129.

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Cabinet

India and Burma Committee. Paper I.B. (45) 14

L/P&S/13/1827: ff 384–5

Proposed Re-definition of His Majesty's Government's Obligations to the Indian Princes

MEMORANDUM BY SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *9 October 1945*[1]

At a Meeting of the India Committee on the 11th September[2] I was asked to prepare a Paper reviewing the practicability of action on the lines proposed by the Viceroy in discussion. Lord Wavell's proposal was that we should frankly warn the Princes, that in view of the changes which have taken place since their Treaties were negotiated there are very definite limits to the extent to which we shall be able to honour obligations incurred in quite different circumstances. The Committee recognised that various assurances have, even quite recently, been formally given to the Princes that the fulfilment of the fundamental obligations arising out of the Treaties is an integral part of His Majesty's Government's policy. It also recognised that any formal change in the Crown's relationship with the States would necessitate a prior submission to His Majesty. But it felt that there is much to be said for facing up to this issue and deciding

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whether, and at what stage, some frank statement of the kind suggested by the Viceroy should be made.

2. The President of the Board of Trade referred in the meeting to the distinction between the paramountcy provisions of the treaties and the other provisions. I agree with this broad distinction which I think it is necessary to particularise as follows:—

(A) The paramountcy provisions may be divided into:—

(i) Personal and dynastic affairs of the ruler. This includes such matters as decision of disputed successions, selection of successor when a ruler dies without an heir, grant of titles, salutes, &c., arrangements for minority administration.

(ii) Internal protection against both (i) insurrections within the State, (ii) incursions (e.g., led by Akali Sikhs or Congress agitators) from neighbouring British Indian territory.

(iii) External protection against foreign aggression (from Japan, China, Afghanistan, &c.).

(B) The non-paramountcy provisions are mainly of an economic and fiscal character (including rights in respect of salt, Posts and Telegraphs, Customs in a few cases, and currency).

3. It is necessary also to draw a distinction between adhering and non-adhering States. I believe that the President of the Board of Trade in his discussion with States Representatives in 1942 made it clear that States which adhere would become part of the Union and the only respect in which they could, without derogation to the Union of which they have voluntarily become a part, continue to remain in special and distinct relations with the Crown would be (if they so desired, and subject to agreement with the Union) the settlement of personal and dynastic affairs. This seems right.

It is as regards non-adhering States that the real difficulties seem to arise, since, if we are to be really frank with the States, we must clear our own minds as to the extent to which we shall continue to be able to protect the non-adhering States.

No serious difficulty arises in respect of personal and dynastic affairs which can continue to be regulated through any agency which may be convenient, e.g., the United Kingdom High Commissioner in India, or a Crown Representative situated in non-adhering State territory.

As regards the economic and fiscal provisions, it is clear that these would have to be re-negotiated, through His Majesty's Government's good offices, with the new Indian Government, provision being made in the treaty between His Majesty's Government and the Indian Government whereby the fulfilment of these re-negotiated agreements would be guaranteed.

[1] Date obtained from Cabinet Office. [2] No. 105.

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As regards external aggression, provisions for the protection of non-adhering States could be included in the Defence Section of the treaty between His Majesty's Government and the Indian Government, under which His Majesty's Government would be in defensive alliance for the protection of India as a whole.

The real difficulty seems to arise in respect of protection of the ruler against insurrection of his own subjects or incursions from neighbouring Indian territories. The Crown is at present able to carry out its obligations in this respect—

(*a*) by the use in the last resort of troops under the control of the Governor-General on whom the Crown Representative can call for assistance (Section 286 of the 1935 Act).

(*b*) by the use of the special responsibility of Governors of Provinces for "the protection of the rights of any Indian State and the rights and dignity of the ruler thereof". (Section 52 of the Act.)

It must be presumed that these instruments will not be available under any constitution for a self-governing Union or Unions. The question therefore arises whether the Crown will have in India *British* troops under its sole control and, if so, whether any treaty provision could be made which would secure free passage for them to any non-adhering State in which their use was required for the protection of a ruler against an internal rising of his subjects or an incursion from Union territory. The question also arises whether effective provision could be made in the treaty requiring a Provincial Government to restrain its people from incursions into neighbouring non-adhering States. I fear that the answer to both questions may be in the negative since any troops which the Crown may maintain in India will, no doubt, be regarded as being solely for the purposes of the United Nations (as being responsible for the protection of India), and Provincial Governments, even if they pay lip-service to the principle of non-interference in neighbouring non-adhering States, are unlikely to take any steps in the matter and *ex hypothesi* will not be subject to any control by His Majesty's Government.

4. I suggest, therefore, that any *statement* which the Viceroy may be authorised to make should be based against the background of the foregoing considerations and should be so couched as to induce the Rulers to see that, so far as their internal protection is concerned, they will, so soon as a Union (or Unions) is established and whether they adhere to it or not, have to depend on being able to maintain their position and integrity in the Union, or outside it, by virtue of their own merits; and that they should therefore take steps now to make their States fit to do so. In this connection I should like to refer to a passage (attached as Annexure I) in a despatch from Sir Austen Chamberlain to the Government of India written in 1917. So far as I am aware, this despatch was never published, but it gives historical support to the line of argument we are now adopting.

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5. In *discussion* with the Princes the Viceroy might draw attention to the attitude adopted by the States Delegation at the first Round Table Conference in 1930, as voiced in particular by the Maharaja of Bikaner in his speech on the 17th November, 1930, from which I append an extract (Annexure II). It was the attitude of the Princes at that time which brought the conception of a union of all India into the range of practical politics and it is now for the Princes to make the act of faith necessary to bring an effective union to birth. In particular, they should devote all their energies to "rationalising" the States, especially the smaller States, into a form in which they will have survival value.

6. As regards the timing and method of the approach, I suggest that the proper time for any *statement* would be after the elections, when steps are being taken to assemble the constitution-making body. But before a formal communication, of the nature of a statement authorised by His Majesty's Government, is made it would, I think, be appropriate for the Viceroy to discuss these matters informally with the Rulers or Dewans of the larger States, with a view to turning their minds to a constructive approach to the problems which will confront them. I have already taken one tentative step in this direction in a telegram which I sent to the Viceroy advising him on the line he might take with the deputation of Princes which waited upon him on the 28th September. I attach (Annexure III) an extract from this telegram.

P.-L.

Annexure I to No. 137

INTERPRETATION OF BRITISH RESPONSIBILITIES IN THE LIGHT OF CHANGING CONDITIONS

In a despatch in 1917 the Secretary of State for India, Sir Austen Chamberlain, wrote:—

> "In the scrupulous maintenance of our Treaty Obligations nothing less than the honour of the Sovereign is involved and no Government can seek to belittle them. The relations of Government with the Chiefs are, however, necessarily subject to variation, and the literal fulfilment of an obligation may become impossible, either through change in essential circumstances, or by the mere passage of time. Again, many of the Treaties were concluded before the Crown stood forth—in Lord Canning's phrase—the unquestioned Ruler and Paramount Power in all India; and, since that event, considerations of the general good of the Indian body politic have necessarily become a new factor in their interpretation. While they remain unrepealed in the letter and binding in the spirit, a constant development of constitutional doctrine is in process. But of that process the superintendence, direction and control must remain in the hands of the Paramount Power."

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Annexure II to No. 137

EXTRACT FROM SPEECH BY H.H. THE MAHARAJA OF BIKANER, AT THE ROUND TABLE CONFERENCE, ON 17TH NOVEMBER, 1930

We of the Indian States are willing to take our part in, and make our contribution to, the greater prosperity and contentment of India as a whole. I am convinced that we can best make that contribution through a federal system of government composed of the States and British India. These two partners are of different status. The Indian States are already sovereign and autonomous of right, having the honour of being linked with the Crown by means of Treaties of "perpetual alliance and friendship" and unity of interests; British India derives whatever measure of authority it may possess by devolution. But it will not be beyond the wealth of experience available at this Table to devise a means of linking these differing units into a powerful federal administration.

As to the question whether, if a federal government is devised for India, the Princes and States will enter into association with it, the final answer must obviously depend on the structure of the government indicated and on other points involved, such, for instance, as certain necessary safeguards—constitutional and fiscal—for the preservation of the rights and interests of the States and their subjects. Federalism is an elastic term: there are several forms of federal government. Conditions in India are unique. We have no historical precedents to guide us; and the position of the Indian States is, I believe I am correct in saying, absolutely without parallel. All these and many other grave questions of policy and of detail will have to be examined and defined and settled first in Committee and in informal discussions. But, speaking broadly, the Princes and States realise that an All-India Federation is likely to prove the only satisfactory solution of India's problem. A Federation, on the lines I have attempted to sketch on other occasions, has, as I have previously said, no terrors for the Princes and Governments of the Indian States. We, however, recognise that a period of transition will necessarily intervene before the Federal Government is fully constituted, and that federation cannot be achieved by coercion of the States in any form. The Indian Princes will only come into the Federation of their own free will, and on terms which will secure the just rights of their States and subjects.

Annexure III to No. 137

EXTRACT FROM TELEGRAM FROM SECRETARY OF STATE TO VICEROY, OF 25TH SEPTEMBER, 1945

[*There follows the text of paras. 3 and 4 of No. 122.*]

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Maulana Azad to Field Marshal Viscount Wavell

Wavell Papers. Official Correspondence: India, January–December 1945, pp 332–4

19A BALLYGUNGE CIRCULAR ROAD, CALCUTTA,
10 October 1945

Dear Lord Wavell,
I regret that I have taken all this time to reply to your letter of 24th August.[1] But I sent you a telegram[2] from Poona soon after your return from England and only now has it been made possible for me to resume the subject dealt with in your last letter.

2. During the interval since the Simla Conference I was confidently hoping that the spirit in which we approached the Conference, and the atmosphere which it created would not be allowed to be dissipated. The advent of the Labour Government in England further encouraged me to hope that the response expected by the Congress and the country would not be delayed beyond the point which usually marks the beginning of disappointment. I began to sense the feeling of disappointment which was coming over the country before you left for England and referred to it in the letter[3] by which I confirmed my telegram from Srinagar. I had more than ample evidence of it in the press and otherwise, after the publication of the British Government's declaration of policy regarding India on your return. I have not the slightest doubt that if the atmosphere of goodwill created by the Simla Conference had been maintained by accepting the suggestion made in my letter of 15th July[4] the declaration of British policy in regard to India would have been viewed by the country from a different angle. The country was looking forward to the wiping out of the consequences and the general effect of the past policies in a full measure. I had hoped that those responsible for maintaining "law and order" would appreciate the value of "goodwill" as the best and surest guarantee of political law and order. But the hangover of the past policies, particularly after the advent of the Labour Government, tended to revive the memories of the past, and consequently the fresh approach on the part of the British Government did not succeed in dissipating scepticism. I therefore once again invite your attention to the political necessity (as I view it after extensive and direct contact with public opinion in the country) of reviewing the situation with a view to producing the political climate necessary for the great task before us all. With

[1] No. 65.
[2] Dated 17 September 1945. Wavell Papers, Official Correspondence: India, Jan.–Dec. 1945, p. 310.
[3] No. 52. [4] Vol. V, No. 614.

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this object in view I once again revert to the items contained in my letter of 15th July last.

(*a*) and (*i*). The continuance of ban on any organisation whether orthodox or other (no such distinction is easy to make in any case) which is part of the Congress will not merely handicap the parent organisation and hamper our work but will operate as a serious handicap in respect to elections. The Socialist Party is a case in point. So long as the Party adheres to policies of the Congress, it is part of the parent organisation and it should be free to function and participate in the forthcoming elections.

(*i*) Immovable property belonging to individuals though still in the possession of Government and not finally disposed of has not yet been restored to the owners, although the reason for retaining possession of such property has ceased to exist. All immovable property whether belonging to public institutions or to individuals should have been restored.

(*ii*) I regret to say that I find it difficult to follow the reasoning for not restoring the proceeds of movable property disposed of. The distinction between movable and immovable property in respect of restoration is far from tenable, if the object of such restoration is to obliterate the effects of the past policy.

(*iii*) Orders forfeiting funds could not have been passed except to prevent their being used for purposes held objectionable at the time. I therefore see no justification for not reversing or withdrawing such orders when it is perfectly clear that these funds are not going to be used for such purposes. The Indian National Congress fund amounting to more than 70,000 declared forfeited by the Bombay Government should have been restored.

(*b*) and (*c*) I had hoped that the release of detenus and the removal of restrictions on the activities and movements of those released would not take such a long time. According to information in my possession many persons are still in detention and even in the small Province of Delhi more than 40 Congressmen are under restrictions of various kind. The number of others in other Provinces who are still under restrictions may be imagined. The extent to which effective workers of the Congress are hampered in this way, the electoral activity of the Congress is impeded. As regards the last sentence in this paragraph about some of the speeches of Congress leaders, I must say that the main policies of the Congress from which no Congress leader differs should have been more than amply reassuring to everyone concerned. I have closely scrutinised the speeches of all responsible Congress leaders and I can assure you that the impression

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which "those responsible for law and order" appear to have gathered is in excess of facts.

(*d*) The whole purpose of asking for a special tribunal for revising such cases was to provide an opportunity for the termination of sentences already undergone and in certain cases where no appeal was allowed to provide an opportunity for appeal or revision. After all when the emergency which according to Government called for stern measures and long sentences for what in normal times would have been no offences or offences not deserving heavy sentences, has ceased to exist, all such sentences should terminate.

(*e*) Perhaps the express[ion] "extra-legal" was not self-explanatory. But it covered the legal restrictions which work through difficulties arising out of "control of paper" and not sanctioning the issue of new newspapers, or not allowing weeklies to become dailies or imposing various other restrictions upon projected newspapers, &c., instances of which are being brought to my notice every day. I may assure you that everywhere I have gone I have heard numerous complaints that all new ventures (and many will be necessary for effective publicity and propaganda in connection with elections) are sternly discouraged. This would seriously hamper our activities during the elections. Instances from Delhi, Punjab and U.P. can be supplied if desired.

(*f*) I have already publicly acknowledged this as a grateful relief to public feeling, and I congratulate Your Excellency on this decision.

(*g*) Once again I earnestly emphasise the fact that the withdrawal of such warrants of arrest and the return of these persons to normal life and free political activity will help in the restoration of normality. For instance I feel that Socialist leaders like Mr. Jayprakash Narayan, Ram Manohar Lohya, Achyut Patwardhan when restored to normal life will certainly function within the Congress, and their followers should be expected to do likewise. This applies to other Congressmen and women not included in the Socialist Party.

(*h*) I thankfully acknowledge this decision but I regret to say that releases of such persons have not yet followed.

3. Before concluding I must invite your attention to some of the impediments in the way of the forthcoming elections. Quite a number of likely and some important candidates stand disqualified for election by their incarceration for a certain period. Unless immediate steps are taken to remove these disqualifications some of our important candidates will be prevented from exercising their electoral right. On all previous occasions such disqualifications were removed. I am receiving complaints from various Provinces that this is not being done. I trust necessary steps will be taken to remedy this complaint.

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4. The case of Mr. Biswanath Das, the ex-Premier of Orissa, stands on a different footing. He has been advised to memorialise the Governor-General in Council, which he has done. As he is desired to seek election to the Central Assembly, I hope his memorial will receive favourable consideration in time to enable him to seek election to the Central Legislative Assembly.

5. Among other difficulties and besides what is described in (*e*) above, I may mention the difficulties arising out of the rules of "Priority" in respect of various matters and also of petrol and paper rationing. Priority in respect of travelling by air and train, for the members of the Working Committee and of the Election Committee and for candidates and their agents should be made available, and petrol and paper should also be made available for those engaged in elections.

6. As regards the revision of Provincial Electoral Rolls and to a certain extent the rolls for the Centre I specially invite your attention to the method adopted by the Bombay Government. Having regard to the shortness of time it is essential that other Governments should follow this method to eschew procedural difficulties.

Yours sincerely,
A. K. AZAD

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/626: ff 444–5

MOST IMMEDIATE INDIA OFFICE, *11 October 1945, 8.45 pm*
SECRET
22570. In reply to questions in Commons on Monday 15th October Parliamentary Under Secretary of State has to state the position in regard to freedom of political association of persons wishing to take part in the elections.

2. As I understand it central ban on Forward Bloc has been removed and question of removal of Provincial bans was referred to Provincial authorities. Please let me know without fail by Monday morning whether ban has been removed in all Provinces and if not which are the exceptions.

3. Subject to any Provincial exceptions as regards Forward Bloc I wish U.S.S. to be in a position to say that "There are no restrictions on the right of any political association of persons who may wish to take part in the elections". With exception of Forward Bloc and Congress Socialist Party I understand this to be the case, but should be glad to have assurance that this is so. As regards

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Congress Socialist Party I feel that ban on association should now be withdrawn. There seems to me no question but that this is a political organisation though it has terrorist associations. I consider that in present circumstances maintenance of general ban is not justifiable and that if particular individuals associated with the Party are suspected on convincing grounds of terrorist activities they should be detained as individuals. I should be grateful if you would telegraph present position if possible by Saturday and not later than Monday morning. If ban is still in force I should be glad to have your reactions to my views as stated above before week-end.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *12 October 1945*
Received: 17 October

Many thanks for your letter of the 23rd September[1] which I found most interesting and informative.

2. As regards your comments in paragraph 2[2] on the suggestion that had been made to me that officials in the Punjab were not being impartial as regards the conduct of the elections, I quite agree that we have to accept a fundamental difference from Western conditions. But at the same time one wants to be in the best position to meet criticism and I shall be glad to know what Glancy says. I now send a copy of a letter I have had from Woodrow Wyatt, one of our back-bench Members, who is fairly well informed and also reasonable on Indian matters. You will see that he suggests that the arrangements for polling of illiterate voters in the Punjab are different from those elsewhere and much more easily abused. I should be glad if you would ask Glancy, in connection with the other enquiry, whether anything could be done to induce his Ministers to adopt the other system if it is less open to malpractices, (especially as I am informed that the rules are made by the Governor acting in his individual judgment), and would let me know whether this is thought to be practicable and desirable or, if not, what the arguments are for preferring the present system in the Punjab.

3. Various people whom I have seen lately have pressed upon me the desirability of restoring ministerial government in the Provinces before the elections take place. Their argument is that if Ministries were in office the leaders of the parties would have their attention drawn to administrative realities and

[1] No. 121. [2] This appears to refer to para. 2 of No. 127.

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would thereby be distracted from devoting themselves to communal animosities during the elections. I always reply to this line of thought that it is open to Provincial politicians who are in command of a stable majority in the Legislatures to form a ministry at any time, that this is universally known and that at any rate in four or five Provinces Congress have always had an undisputed majority so that if they expressed their willingness to take office there would be no question that they could do so tomorrow. The answer given to me when I say this is that that is no doubt quite accurate but that the Congress will not themselves make any positive move though they would be only too ready to take office in response to an invitation from us. When you were here I gathered that it was your definite view that a positive invitation to take office before the elections was not desirable and I imagine that in any case it is now too late to reconsider this even if we thought it desirable to do so. I am not myself convinced by the arguments put to me but I should like to know your reaction to them, because it does seem that anything which would in fact mitigate the electioneering acerbities would be worth considering. My own feeling, however, is that if Congress really wished to resume ministerial government but were not prepared to make a positive move themselves we should have been approached through some intermediate channel such as Birla and given a pretty definite hint to that effect.

Congress would have liked an invitation which they could turn down except on unreasonable conditions.

W.

I do not think Congress Ministries would do this.

W.

4. In paragraph 10 of your letter of 23rd September you said that you thought you might say something about the Pakistan issue in your speech to the Associated Chambers of Commerce in Calcutta in December. I think we ought to think this over very carefully. It would of course be vital to avoid anything which might be taken up by one side or the other as calculated to influence the election and anything which is said will in any case have to be most carefully worded. If, therefore, you decide in favour of this I should be grateful if you would let me see well in advance the text of what you propose to say so that I can put it to my colleagues if I feel that to be necessary.

5. You mentioned in paragraph 9 of your letter[3] the situation in French Indo-China and the Netherlands East Indies. We had to consider the policy about the East Indies urgently this week as Mountbatten asked for directions. The choice lay between sticking to our present policy which is to occupy Surabaya and Batavia and take only such further measures as are necessary for disarming the Japanese, the recovery of Prisoners of War and civilian internees

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and their protection, and entering into a general commitment for the maintenance of law and order throughout the Dutch East Indies. The military implications of the second course alone make it almost impracticable and I was naturally opposed to it since it would have led to Indian troops becoming involved on a large scale in what might have become or at any rate been represented as a military operation to suppress the Nationalist movement in Java. We agreed that we must stick to the first course and leave it to the Dutch to deal with the situation with their own resources as they become available or to come to terms with the local political leaders.

6. I see in this connection that Auchinleck represented strongly in his telegram No. 53–C.O.S.[4] of the 7th October that Indian troops must for political reasons (by which I suppose is meant in view of the outcry by Nehru and other Congress leaders) be withdrawn from French Indo-China and that you say in your letter that you hope that His Majesty's Government will be able to disengage both British and Indian troops as soon as possible and leave the business to the French and Dutch. This is, of course, precisely what we desire to do and it will be our endeavour to keep out of political trouble in these areas as much as we can but it does not seem to me conceivable that British and Indian troops can be entirely withdrawn until French and Dutch troops arrive and this unfortunately will take some time. Clearly we cannot totally disregard the interests of our French and Dutch Allies who, after all, have a strong claim upon us and especially so the Dutch. In any case it is clearly our duty so long as we are the only people on the spot with effective forces to prevent so far as we can conditions deteriorating into civil chaos with great loss of life and destruction of property. This does not mean that we take sides in the question of the political future of these areas.

7. It is very satisfactory that the deputation of Princes went off so quietly and I am glad to hear that the air has been cleared and that the atmosphere is improved.

[Para. 8, on a proposed Indian art exhibition in London, omitted.]

9. Colville mentioned in paragraph 8 of his letter of 9th September[5] the claim staked out for India, in connection with the Italian Peace Treaty, for a share in a joint trusteeship arrangement, both in Somalia and in Cyrenaica. I was a little doubtful about pressing too strongly the claim for Cyrenaica but you will have seen from the latest official telegrams that I have agreed that India could make out quite a good case for participation in some form or another in any international arrangement which might be set up in either territory.

I think that you may be interested in the enclosed memorandum[6] which the Dominions Secretary received from the High Commissioner for the Union of

[3] No. 127. [4] L/WS/1/716. [5] No. 102. [6] Not printed.

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South Africa, which sets out the grounds for maintaining Commonwealth interests in Cyrenaica and Italian Somaliland.

I expect you will find much of the paper contentious, but it seems to make out a good case for the single trustee, as opposed to the U.S. idea of an international trusteeship. The latter was supported by Bevin at the C.F.M., it is true, but mainly, I think, as a counter-move to the Russian claim for Tripolitania.

Nobody here is very enthusiastic about international trusteeships—I suppose because it is felt that the mandate system with a single trustee power was difficult enough, and that collective trusteeships are likely to lead to friction, if not worse—but they have probably got to be tried sometime.

[Para. 10, on the scheme of higher technical training for Indians, omitted.]

Enclosure to No. 140

Major Wyatt to Lord Pethick-Lawrence

HOUSE OF COMMONS, *8 October 1945*

Dear Lord Pethick-Lawrence,

You may remember that when I came to see you recently we discussed the question of the elections in the Punjab. There is one way of helping to ensure the fairness of the elections that I did not mention at the time.

In the Punjab the arrangements for illiterate voters are that an official stands behind a table with the names of the candidates in front of him. The voter comes in and is told who the candidates are and is then told to make a cross beside the name he favours. As, of course, the voter is still unable to read the name of the person he is voting for, if undue influence is used by the official to get votes for a particular party this system is obviously very liable to abuse.

In the other Provinces they have different arrangements for the illiterate voters. There they have coloured ballot boxes behind a screen. Representatives of the parties stand in front of the screen and tell the voters as they come in which colour they represent. It is possible, I agree, that coercion can also exist under this system, but it is a great deal less likely than under the present arrangement in the Punjab.

Would it be possible to persuade the Punjab Government to adopt the same system as that in the other Provinces? I am sure that if this were done it would go a long way to restoring confidence in the fairness of the elections in the Punjab. As you know, feeling is still running high about the attitude of the permanent Government officials towards the Unionist Party.

I had thought of putting a question in the House on this point but I think perhaps it would be better for me to leave it with you privately as it may then be easier to do something about it.

Yours sincerely,

WOODROW WYATT

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/PO/10/25

MOST IMMEDIATE SECRET — SRINAGAR, KASHMIR, *13 October 1945, 11.55 pm*
Received: 13 October, 11.15 pm

No. 245-S.C. Your telegram No. 22570[1] of 11th October. Freedom of political association.

2. Forward Bloc is still banned by Central Government under Defence Rule 27-A. Provincial Governments were informed on 25th September that we intend to remove Central ban and that it is open to them to impose provincial ban under Criminal Law Amendment Act if they consider this necessary on law and order grounds. Provinces were asked whether they intended to impose provincial ban and for their views as to suitable date for withdrawal of Central ban. Governments of United Provinces, Punjab, Bihar, Central Provinces, Assam and North-West Frontier Province have raised no objection and do not (repeat not) intend to impose provincial ban. Other Provinces have not yet replied. Bengal is the Province most concerned. It is my intention to discuss this matter in Council on receipt of all provincial replies. It seems likely that Central ban will be removed very shortly and that provincial ban will not (repeat not) be substituted for it except possibly in Bengal.

3. Congress Socialist Party is banned under Criminal Law Amendment Act by Governments of the United Provinces, Punjab, and Bihar. Government of Central Provinces have imposed similar ban extending to Nagpur only.

4. According to latest information the only other Associations under provincial bans are Rashtriya Sewak Dal in Satara District, Bombay; Hindustan Red Army in Nagpur and Umrao in Central Provinces; and Santi Senas in Assam. These are all terrorist associations and not (repeat not) political parties likely to put up candidates for election as such.

5. Executive Council and several Governors, particularly Hallett and Rutherford, are seriously concerned at deterioration in law and order position. Congress leaders have made most violent speeches in United Provinces, Bihar and elsewhere. We do not know yet what their intentions are, but both communal and anti-Government disturbances are possible. In order to carry out policy approved by His Majesty's Government we will avoid repressive action as long as we can. This task will be made much more difficult if we do not carry Executive Council and Provincial Governments with us on questions

[1] No. 139.

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such as the removal of the few bans that remain. In Ministerial Provinces in particular, e.g., in Punjab, I do not propose to interfere and constitutional propriety of doing so is most doubtful. The bans on the Forward Bloc and the Congress Socialist Party as associations will not (repeat not) affect the elections in any way as persons belonging to these parties would ordinarily stand as Congressmen. I trust therefore that you will be able to deal with questions by explaining that there are no restrictions on the right of individual members of any party to take part in the elections; that the only associations at present banned are the Forward Bloc; the Congress Socialist Party in the United Provinces, Bihar, the Punjab, and a small part of the Central Provinces; and the few minor terrorist organisations referred to in paragraph 4 above. The bans will not be maintained any longer than the Governments concerned consider to be absolutely necessary.

6. I have given Provincial Governments assurances that I shall uphold them in the maintenance of law and order, whatever the political consequences, and I intend to do so. If we once relax our grip on order in this country the consequences will be serious indeed.

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Sir E. Jenkins to Sir D. Monteath (Extract)

MSS. EUR. D. 714/66

PRIVATE AND PERSONAL THE VICEROY'S HOUSE, NEW DELHI,
No. 648/3 *14 October 1945*

5. I see that Hope has just suggested a further short extension for himself in Madras. I am always a little shocked at the apparently cynical attitude of H.M.G. to the Presidency Governorships. They are extremely important appointments and a bad selection can cause incalculable harm. The ideal choice is a man with considerable Parliamentary experience who has proved himself as an administrator, and either Parliamentary or administrative experience of a high order should be insisted on. At present the appointments seem to be hawked about the country and nobody is much interested in them. I hope a good man will be found for Madras.

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Mr Desai and Mr Asaf Ali to Field Marshal Viscount Wavell

Wavell Papers. Official Correspondence: India, January–December 1945, pp 339–41

OFFICE OF THE I.N.A. DEFENCE COMMITTEE,
82 DARYAGANJ, DELHI, *15 October 1945*

Your Excellency,
On behalf of the Committee appointed by the Working Committee of the Indian National Congress we make the following representation for your Government's consideration.

2. This Defence Committee consists of the following members:—

1. The Rt. Hon. Sir Tej Bahadur Sapru, P.C., K.C.S.I.
2. Pandit Jawaharlal Nehru, Member, Congress Working Committee, BARRISTER-AT-LAW.
3. Shri Bhulabhai Desai, Advocate.
4. Dr. K. N. Katju, M.A., LL.D., Advocate.
5. Shri Raghunandan Saran.
6. Rai Bahadur Badri Das, Advocate.
7. M. Asaf Ali, Esq., Member, Congress Working Committee, BARRISTER-AT-LAW (CONVENOR).

On the 22nd September 1945 the Working Committee of the Congress, having regard to the profound interest and anxiety felt throughout India in the fate and future of the officers and men of the Indian National Army now held as prisoners of the British Government, appointed this Committee to take necessary steps for their defence.

3. At present three officers, namely, Shah Nawaz Khan, Sahgal and Dhillon have been formally charged with the offence of waging war against the King and other offences arising out of their activities as Officers of the I.N.A. on active service. The 5th November 1945 has been fixed for their trial before a Court-Martial. These officers have formally entrusted their defence before the Court-Martial to the above mentioned Defence Committee.

4. According to press reports, trials of other officers and men for similar or cognate offences are likely to follow in the near future.

5. These trials raise questions of such grave public importance that the Committee considers it imperatively necessary to address your Government on the matter at once.

6. The circumstances which led to the formation of an Indian National Army are now common knowledge all over India. It is no exaggeration to say

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that while some may doubt the propriety of the policies which led to the establishment of such an Army as an independent military organisation under the command of its own officers, Indians of all communities, all persuasions and of all schools of political thought recognise and appreciate the selfless patriotism which actuated those who took part in this movement.

7. After the conquest by Japan of the French and Dutch possessions in South-East Asia and the fall of Burma, Malaya and Singapore there arose a great desire in the minds of Indian inhabitants of these countries to organise themselves not only for their own defence and protection, but also for active participation in the movement for the liberation of their home country from foreign rule. Rapid movement of events throughout the World led to the further intensification of this resolve and they appear to have determined to make a bold and resolute bid for the achievement of the Independence of India. Independence Leagues were established throughout the length and breadth of these countries and a provisional Government of Free India is reported to have been eventually set up, and a well-organised, well-trained and well-disciplined Indian National Army operated under its control. According to accounts available this Government was not a mere puppet Government under Japanese control, but was an independent Government with a definite international status.

8. It is understood that in addition to a large number of Indian civilians residing in the locality, numerous officers and men of the Indian Army, who had been surrendered by the British to the enemy, joined the Indian National Army.

9. We do not propose to enter here into any discussion about the legal status of the officers or men of the I.N.A. and it would also be inappropriate to discuss here the question whether they can be said to be guilty of any offence. The only question at this stage is whether it would not be contrary to public interest to bring them to trial and assuming that it is not so, when and by whom such a decision should be taken.

10. These men of the I.N.A. are virtually being charged with having endeavoured to enter India with armed force to liberate it from British domination. That alleged offence primarily concerns the Indian people, and the more so as the British Government have publicly announced that India will have the right to secede from the British Commonwealth if the Indian people so desire. So far back as 1924 the then Secretary of State for India, Mr. Wedgwood Benn, speaking on behalf of His Majesty's Government in the House of Commons said that whatever may be the deficiency in theory India already enjoyed "Dominion Status in action".[1] The first privilege of that status "in action" is that in a matter like this which vitally affects the lives and liberties of a large number of Indians drawn from all parts and principal communities of India,

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the wishes of the people of India should be ascertained and given effect to. Judging by the trend of public opinion in the country, this Committee urges that this matter of the trial of the I.N.A. should not be pursued any further.

11. At this juncture the Central Legislative Assembly and the Provincial Legislative Assemblies have all been dissolved. But by the middle of December, 1945, the Central Legislative Assembly will have been re-elected and by the month of March 1946, general elections in all the British Indian Provinces will have been held, and the British Government expects that soon thereafter Ministries in Provinces will be formed to undertake the task of Government in their respective spheres. His Excellency the Governor-General has also announced his intention to reconstitute his Executive Council soon after the general elections so that it may be representative of popular opinion in the country. All these constitutional events are due to take place in the next few months.

12. The Defence Committee believes that the Governor-General with his reconstituted Executive Council will be in a much better position to gauge public opinion in this matter. Representatives of the people will also have the opportunity to express their opinion upon it in the newly-elected Central and Provincial Legislative Assemblies. All the Provinces are interested in the Indian National Army because men from every Province have contributed to its personnel. The new Government will be able to arrive at a proper decision whether the intended trial of the I.N.A. should take place at all and if so when and how.

13. The Defence Committee therefore earnestly urges that the trial fixed for the 5th November 1945 and all other contemplated trials should, if not abandoned, be at least postponed and the whole question relating to the I.N.A. be examined afresh after the Governor-General's Executive Council has been reconstituted and the Ministries in the Provinces have begun to function.

14. The Defence Committee is convinced that it would be a tragedy if this matter were approached and disposed of in a narrow, technical and legalistic spirit. Unprecedented issues of this nature require to be decided in a broad and statesmanlike spirit. There are various aspects of these issues of great public and political importance and hasty decisions, not in consonance with popular will and sentiment, will have far-reaching repercussions throughout the length and breadth of India, so deep and widespread is the appreciation of the motives and aims of the movement of which the Indian National Army was an expression.

[1] Mr Desai and Mr Asaf Ali may be referring to a speech made by Mr Wedgwood Benn on 18 December 1929. In his speech, Mr Benn quoted the recommendation of the Joint Parliamentary Committee on the Montagu–Chelmsford Report that India should enjoy the same autonomy with respect to tariffs as the Dominions and continued: 'There is Dominion status in action. There is a Dominion attribute which has now become part and parcel of the rights of India.' See *Parl. Debs.*, 5th ser., H. of C., vol. 233, col. 1552.

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The Defence Committee requests that the matter of the trials of the I.N.A. by Courts-Martial be abandoned, or that in any event no proceedings before any Court-Martial be commenced until after the formation of the Interim Government at the Centre and the functioning of Provincial Governments on the completion of the ensuing elections, and all necessary directions may be given to the authorities concerned.

We beg to remain,
Sir,
Yours faithfully,
BHULABHAI J. DESAI,
M. ASAF ALI

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Notes by Sir E. Jenkins and Field Marshal Viscount Wavell

Wavell Papers. Notes of Important Interviews, 1943–7, pp 57–8

PRIVATE SECRETARY TO VICEROY'S INTERVIEW WITH THE NAWAB OF CHHATARI ON 15TH OCTOBER 1945

The Nawab of Chhatari saw me today by appointment. Since the National Defence Council he has been on a short holiday at his home in the United Provinces and was very full of the Congress revival and of the danger to law and order. He said that Congressmen are already at work among the tenants; that memorial plaques are being distributed to the villages which sent "martyrs" to die in the disturbances of 1942; and that the general impression is that the Labour Government are selling out to their enemies. He asked me if I could, without breach of confidence, give him any idea about the accepted policy of His Majesty's Government and Your Excellency.

2. I replied that for the last 25 years His Majesty's Government's object had been to introduce democratic institutions of the British type into India.Whether they were right or wrong in attempting this was a matter of opinion. But it was quite clear (*a*) that they were pledged as soon as possible after the end of hostilities to hold elections and to attempt a further constitutional advance; and (*b*) that no British Government of whatever Party could countenance the indefinite use of emergency powers, e.g., to detain people without trial, after the War ended. His Majesty's Government evidently hoped that the elections would be held smoothly and in as free an atmosphere as possible; and it would be inconsistent with this hope to suppose that they wanted any immediate mass conflict with the Congress, the Muslim League, or any other major Political Party in India. At the same time the Nawab might rest assured that Your Excellency would not tolerate any widespread disturbances.

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The Nawab said he agreed with my general statement of His Majesty's Government's policy over the last 25 years, and that he had no doubt that Your Excellency would not let things go too far. But the general impression was that the Labour Government were completely ignorant of conditions in India and would let their liberal ideas run away with them.

I replied that he must not suppose that the Labour Government consisted entirely of aristocratic intellectuals. The Ministers were largely practical men who had achieved their present position because they were tough and could manage other men. Their outlook was certainly liberal and democratic, but I had no reason to suppose that they would permit the situation to get completely out of hand. I added that so far as I could judge it was not the Congress policy to provoke an actual conflict with the authorities before the elections. I thought Congress leaders were trying to strengthen their position so that if there were no settlement after the elections, they could make things unpleasant for the authorities. The Nawab said he thought I was probably right about this.

3. The Nawab then turned to conditions in Hyderabad. He wanted to know how he should deal with the situation there. I said that, to the best of my belief, the Congress would for some months concentrate on British India and I thought his best plan would be to sit tight and see what happened. There seemed to be no reason for any major move by the Hyderabad Government. The Nawab then referred to the ban on the Congress organisation which is still in force in Hyderabad. He said that its removal had been discussed with the Resident and with the Political Department, but that he himself was in no hurry to remove it until he saw how things went elsewhere. I said that this was a matter for its own judgment; it would certainly be unwise for Hyderabad to retain the ban if it were removed in the other major States. I thought that if Hyderabad went quietly on without encouraging or repressing the political parties, there might be very little trouble indeed.

4. The Nawab then mentioned War rewards for His Exalted Highness the Nizam. He indicated that some high sounding title would be more acceptable than anything else. I said that I had no doubt the question of rewards would be very carefully considered. The Nawab then asked that the announcement of any reward for His Exalted Highness might be made before he ceases to be President of the Council next September. I said I could say nothing positive, but I thought it likely that War rewards of all kinds, including those for the Princes, would be announced in, or at the same time as, the New Year's and Birthday Honours Lists.

5. The Nawab then reverted to the question of a "separate peace" between Hyderabad and His Majesty's Government. He said his views did not seem to appeal to anybody here. I said that His Majesty's Government were naturally anxious that the States should play in the new Constitution of India the part to

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which their great importance entitles them, and would not view with favour any suggestion that Hyderabad, the premier State, should stand aside. The Nawab said he appreciated this—all that he wanted was that for a period of five or ten years, Hyderabad should not be committed. What would happen if the new Indian Government decided to secede from the Commonwealth? Hyderabad would certainly not wish to be included in the secession. I said the future was still most obscure and it would be unwise to prejudge the position in any way.

6. Finally the Nawab said that after leaving his present appointment he would like, if Your Excellency thought fit, to be considered for a Governorship. He assumed that there had been some change of policy about Governorships. I said I would inform Your Excellency of his wish, but that in fact, as far as I was aware, there had been no change in policy. The Governorships other than those of the Presidencies had normally gone to members of the Indian Civil Service, and as many of the senior men in the Service cadre were now Indians, the chances were that Indians would be selected for some at least of the Service Governorships in future.

7. I am sending a copy of this note to the Political Adviser, and submit it only for Your Excellency's information.

E. M. JENKINS,—15–10–45.

Thank you. I entirely agree with the line you took with the Nawab. Even if our policy were to appoint non-officials, he has not the toughness required of a Governor.

W,—16–10–45.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/WS/1/726: f 54

MOST IMMEDIATE INDIA OFFICE, *16 October 1945, 10.15 pm*

TOP SECRET

No. 22951. *First.* SACSEA has reported situation in Java extremely critical and that in view of intransigent attitude of Indonese it will be difficult to carry out tasks of recovering and protecting RAPWI and disarming Japanese with forces available.

Second. Mountbatten has been authorised to instruct Christison to announce to Indonese the forces available to maintain law and order and our intention to use these if necessary.

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Third. I have attended a meeting of the Ministers concerned at which it was agreed that, in view of the urgency of the situation, Admiral Mountbatten should be instructed to send a second British/Indian Division into Java as soon as possible, the move to have priority over the despatch of forces to Hong Kong, Indo-China and Sumatra. At the same time Dutch Govt. are being approached to go as far as possible to secure settlement by negotiation.

Fourth. There must be considerable delay in the arrival of sufficient Dutch Forces to take over and there is a vital necessity for carrying out tasks in paragraph first. I am well aware how sensitive Indian opinion has shown itself but I am afraid there is no alternative to continued use of Indian troops in Java and am sure you will agree.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET VICEROY'S CAMP, RAWALPINDI,
No. 38 *16 October 1945*

Thank you for your letter of 5th October[1] the duplicate copy of which has just arrived ahead of the original. The bag containing the original must have got delayed somewhere, and I suppose it will turn up within a day or two. I am on my way back from tour and will answer your letter in detail next week when I shall have more time.

2. There is no change in the political situation. Nehru continues his intemperate speeches and statements, and is now on tour in the Eastern Districts of the United Provinces. It is difficult to explain his conduct and that of the other Congress leaders except on the assumption that Congress wish to bring about communal rioting and anti-Government disturbances. Nehru is, as usual, taking an international view—so far as it fits in with his own view—and is much interested in the rising in Indonesia. The Congress as a Party seem determined to do as well as they can at the elections, and I understand they are making the fullest possible use everywhere of the opportunity to have the electoral rolls amended.

The Communists have issued an election manifesto, the main heads of which are the abolition of landlordism and the nationalisation and redistribution of land; the elimination of usury; the nationalisation of trade in food; and a wide

[1] No. 131.

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extension of the co-operative movement. After their expulsion from the Congress I do not think the Communists stand much chance at the elections.

The Muslim League are still quiet and in some Provinces they are quarrelling among themselves. Jinnah's recent visit to Sind seems to have done little good, and the Muslim League Parliamentary Board there (which consists entirely of men who are standing for election) has already broken up. In the North-West Frontier Province the former League Premier, Aurangzeb, is unpopular, but the Party may have some difficulty in ousting him from leadership. The Bengal Muslim League did not include the former Premier Nazimuddin in their Parliamentary Board; his exclusion seems to have been due to intrigues by Suhrawardy, and it shows that in Bengal also the League may be split. The return of Firoz Khan Noon to the Punjab has not been universally welcomed, and I doubt if the Party there is as united and cordial as it might be. The Muslim League have always suffered from lack of organization as compared with the Congress, and if they waste their time in personal quarrels, they may suffer at the polls. But the general expectation still is that the League will win most of the Muslim seats both at the Centre and in the Provinces. Jinnah is apparently not allowing his followers to stand in constituencies with joint electorates, e.g., some of the special constituencies, and Delhi and Ajmer-Merwara, which return one Member each to the Central Assembly.

3. Attempts by the politicians to enlist popular interest in, and sympathy for, the I.N.A. are fully maintained; and the first trials by Court Martial, which are expected to begin here next month, will cause considerable excitement. You will remember asking me at the discussion we had on 27th August to investigate the possibility of trying some of the less important "Blacks" in batches. The Commander-in-Chief has informed me that this is possible, so that he will be able to hold these men in military custody until the investigation of their cases is complete. They will then either be discharged if the evidence against them is not strong enough, or tried by Court Martial.

I have asked the Commander-in-Chief whether he thinks that anything can be done to counter the flood of inaccurate nationalist propaganda about the I.N.A. We know that many of the organisers of the I.N.A. behaved with extreme brutality to Indian prisoners of war who refused to join, and that those who did join were the men who could not stand up to ill-treatment. There was very little genuine patriotism in the business. I recognise that it may be difficult now to get the truth stated in the Press—I certainly do not contemplate any official statement—since the trials are imminent and we do not wish to give the impression that we are trying to prejudice them. The Congress have no inhibitions of this kind and are creating an atmosphere as favourable as they can to the accused. Their assertions are that in the circumstances to "wage war against the King" was a patriotic act, and that if the officers of what was in

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their view a regular organised force had, in the course of their duty, to inflict punishments, including capital punishment, on the men under their command, they had the legal right to do so and are not guilty of any offence.

I have seen your telegrams[2] about the classification of the Military and Civil renegades, and have despatched a reply about the civilians.[3] The reply about the Military renegades[4] will probably have been despatched before this letter goes. The short answer about the civilians is that, with the exception of Subhas Chandra Bose himself and perhaps one or two others, none of them is of the slightest importance in India and it would suit us best if they did not return to this country at all. We should gain little by trying and punishing them, and in the present state of feeling the political parties would treat them as national heroes. I cannot give a clear forecast now of the probable result of the trials of the Military renegades.

4. Several Governors and my Colleagues in the Executive Council are apprehensive about the law and order situation. Political leaders in India pass quickly from frustration and despair to extreme arrogance, and it is a short step from violent speaking to attacks on isolated officials and general disorder. Now that the people are being told daily in the Press, and in the speeches of their political leaders, that the Members of the Executive Council are a contemptible set of crooks; that the administration is corrupt, incompetent, and oppressive; that those who took part in the disturbances and sabotage of 1942 are martyrs and heroes; and that within a year or two there will be Independence, under which the official "war criminals" of India will be punished, there is good reason for apprehension amongst the loyalists. This torrent of intemperate propaganda is also combined with direct attacks on the Muslim League, which is likely to inflame communal bitterness. Rutherford asked my advice about the prosecution of his former Premier Sri Krishna Sinha, who recently made a speech which appeared to him to be a direct incitement to violence. Mudie was in favour of prosecution, but I think our right line is to do all we can to hold the elections without open conflict between the authorities and the major political parties, even though this course involves considerable risk. If actual disorder occurs, we must act promptly and effectively. But I feel that the Congress probably do not intend to provoke immediate disorder, they are more likely to make extravagant demands some time next spring after the elections, and to instigate a mass movement if those demands are not conceded. The Bombay riots are a symptom of growing communal tension. Feeling is bad in all the Provinces with a large Muslim population, and Cunningham in the North-West Frontier Province says he has never known it worse between the educated upper classes of the two communities.

[2] 22012 and 22444 of 4 and 10 October. L/WS/1/1577.
[3] 244-S.C. of 14 October. L/PO/10/25. [4] 253-S.C. of 16 October. *Ibid.*

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In these conditions I am sure you will appreciate the importance of avoiding abrupt interference with those responsible for the maintenance of law and order. My Colleagues in the Executive Council like to be consulted before major law and order decisions are taken—they say that they suffer the odium of repressive measures, and are seldom allowed to share the credit for leniency. The Provincial Governments, on whom the primary responsibility for law and order rests, are even more sensitive, and though it may be necessary from time to time to force a policy upon them, we must do so with care and after proper consultation. I had this in my mind when I replied[5] to your recent telegram[6] about the right of association in connection with the elections. I do not think that the few remaining bans on unlawful associations are of any great importance in themselves either to Government or to the political parties. But it would be a great mistake for you or for me to insist on their immediate removal without consulting and considering the views of the authorities concerned. In Provinces where there are Ministries I believe that interference of this kind would be not only unwise, but unconstitutional. During the next few months it may at any time be necessary for Provincial Governments to take the initiative in maintaining law and order—you cannot administer India from Whitehall or from New Delhi—and it would be fatal to give them the impression now that we are relieving them of responsibility. In connection with processions and meetings related to the elections, I have had Provincial Governments informed that in case of need their District Magistrates should use the ordinary law in preference to emergency powers, but that they will be backed up in any action necessary to maintain law and order.

5. Complaints of official interference in politics continue in the Punjab, and Firoz Khan Noon made a sweeping statement on the subject a few days ago. As I have told you, there is not very much we can do about this. Glancy tells me that the Punjab Government are issuing formal orders to their officials that they are not to take sides or interfere in any way. Jinnah's paper *Dawn* had a fierce attack on Glancy and Khizar lately, accusing them of using officials to influence the elections. This is common form, and need not, I think, be taken too seriously. At a Durbar in Pindi yesterday evening I made a speech in praise of the Punjab war effort, in which I paid tribute to Khizar's leadership; I may well be accused by Jinnah of trying to influence the elections.

6. At the weekly Council meeting on 10th October, at which Mudaliar presided, two cases of some importance were discussed. Council decided, on the advice of the Home Department, to recommend some relaxation of the ban on retirement from the All-India Services. The idea is that the ban on ordinary retirement should be maintained until the end of 1946, but that persons who make out a good case to retire or who have served a great part of the maximum possible term (say 32 years for a member of the Indian Civil

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Service) should be allowed to go. Premature retirements should also be banned until the end of 1946 subject to exceptions in suitable cases, but permitted from 1947. I think these arrangements are suitable, though it is arguable that fewer men would wish to go if all knew that they could go when they wanted.

[Sub-para. 2 of para. 6, on disposal of American stores in India, omitted.]

During the discussion of the Defence Department's summary (when Council sits as a Committee and any Member can bring up any matter he likes) there was adverse comment on Nehru's attacks on my Indian Colleagues, which are in fact libellous. There was also a short discussion of the law and order position; during which the apprehensions referred to above were expressed by some of the Members.

7. Sultan Ahmed has now formally resigned from 31st October and I have telegraphed saying that I intend to mention his resignation in Council on 19th October and to announce it on 20th. I have recommended Hydari as his successor. I think he is the best choice, and I hope you may be able to have him appointed substantively on the understanding that in present conditions this will not debar him from further employment in a lower rank if he does not serve his full term in Council.

[Sub-para. 2 of para. 7, on Sir Azizul Haque's plans to visit Europe, omitted.]

8. There is still much interest in events in French Indo-China and the Netherlands East Indies, particularly the latter. Nehru telegraphed to the Home Department the other day asking for passports and air travel facilities to enable him to visit the President of the Indonesian Republic. He wrote to me at the same time asking me to help. I replied saying that I had passed his request on to the Supreme Allied Commander, but that I was sure he would understand that it was impossible for me in present conditions to recommend the grant of facilities to him, or to any one else whose presence in Java was not absolutely essential. I added that the Military Commander had an extremely difficult task, in the performance of which we must embarrass him as little as possible. I telegraphed to Mountbatten the substance of Nehru's request and of my reply, and have no doubt he will agree with me.

9. The Siamese negotiations are going very slowly, and Aney the Indian representative, has not yet been called in. Aney is now here to discuss the Soulbury Report with Khare, but he has arranged to return to Ceylon at short notice if Dening informs him that he is needed. I am sorry that the time allowed us for the consideration of the Soulbury Report is so short.

10. Gandhi wrote three letters to my Private Secretary on 9th and 10th October. The first[7] concerned the mercy petition of one Haridas Mitra, who was sentenced to death in Bengal under the Enemy Agents Ordinance for

[5] No. 141. [6] No. 139. [7] Not traced.

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helping or harbouring agents landed from an enemy submarine. Gandhi has been worried about this case for some time, and has been informed that it will come up to me within a few days. The second letter[8] complained of the effect of some of our textile controls on the All-India Spinners' Association and on the shops which sell home-spun cloth, and departmental enquiries are being made about it. The third letter[9] forwarded a highly coloured statement by a Forward Bloc leader named Sheel Bhadra Yajee, alleging that he has been grossly ill-treated while in detention. I am having enquiries made into this also.

[Para. 11, on the failure to consult the Govt. of India on a return journey through India of the Chinese Foreign Minister, omitted.]

12. I have had pleasant stay of just under a week in Kashmir. As you say, there are possibilities of political trouble there. I like the Maharaja, who is one of the shrewdest of the Princes—well informed, a man of the world, and with liberal ideas—for an Indian Prince. His Maharani is an attractive and enterprising lady, with a good deal of character, who has done some valuable war work.

But the Maharaja is energetic only by fits and starts. I think he has the right ideas about his State and his duties, but he is not prepared to work really hard or to put himself out in support of them. He spends a good deal of the winter racing in Bombay. Also he suffers from a dislike of personal contacts, and is disinclined to see people; I understand that it is quite difficult for his Ministers, or the Resident, or other influential persons to get interviews with him. Nor does he show himself enough to his subjects, amongst whom he enjoys considerable prestige and influence. I tried to encourage him to come out of his shell more, but I doubt whether it will have much effect. He is not a shy recluse like Mysore, and is genial and quite amusing in company; but he cannot be bothered with people whom he thinks may be troublesome or importunate. It is a pity, for his abilities are much above the average, and I think he has the right ideas.

His new Premier, Kak, is a Kashmiri Pandit—clever, plausible, and quite unreliable in a crisis, I should judge. The other Ministers are not impressive. The population is 80% Muslim, and there are two rival Muslim factions, one of which favours Congress and the other the Muslim League.

The Kashmiris of the Vale itself are a peaceable, poor-spirited people, reasonably contented and well-off by Indian standards, I think; they are unlikely to give much trouble. It is on the western borders with the Punjab, in Poonch and Jammu, where the people are virile and truculent, that trouble is more likely to come. Both Congress and the League are likely to stir up trouble when opportunity offers—Jinnah, since Kashmir is part of his Pakistan claim; and Nehru, a Kashmiri himself by origin, as part of a general campaign against

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Princes. The Maharaja is trying to get the services of a British officer as head of the Police. He is negotiating with a man called Reid, of the Bombay Police, at present in the U.K. on leave. If he accepts, the sooner he can get out the better; if I telegraph later on for an air passage for him, I hope you will see that he gets it. There is, I think, no immediate threat of trouble in Kashmir, but it may well come next spring; and I should feel happier if a good man was in charge of the Police well ahead of that.

13. I leave Pindi tomorrow and return to Delhi. I shall be involved at once in a Council meeting on the Soulbury Commission report—against which I gather Khare is up in arms—and another difficult one on Education.

17 October 1945

PS.—

I dealt in Rawalpindi with a reference made by Turnbull to Jenkins about postal voting by men and women in the Defence Services at the forthcoming elections.[10] While I was Commander-in-Chief it was suggested that members of the Fighting Services should be enfranchised as such; and that alternatively arrangements should be made to enable those of them entitled to vote to record their votes in their Units at any election. As Commander-in-Chief I was opposed to giving members of the Fighting Services a specially privileged position. The last thing we want is to have the Army seriously involved in politics, and if members of the Fighting Services received the vote as such, they would form an important privileged group to which we could hardly avoid admitting political speakers, candidates for election, and the literature, some of it highly inflammatory, put out by the Political Parties. The time will come when India will have adult suffrage, but you must remember that we are at present a long way from adult suffrage, and that voting even for elections to urban and rural local authorities is still based on property and other qualifications. It was proposed, I think by the Congress Government just before the War, that adult suffrage should be introduced for elections to the Bombay Municipality; but even on this comparatively limited scale the change would be a big one, and I am told that the Section 93 Administration in Bombay have preferred to leave it for a popular ministry to introduce. The introduction of adult suffrage for elections to the Central and Provincial Legislatures would present great administrative problems which are, I think, still insuperable, and would also involve a fresh delimitation of constituencies, and presumably a change in the composition of the various Houses of the Legislatures. In spite of my natural sympathy with the Fighting Services, and my firm conviction that they are on the whole the best and most stable element of the Indian population, I can see

[8] Wavell Papers, Official Correspondence: India, Jan.–Dec. 1945, p. 331. [9] L/P&J/7/8460.
[10] L/P&J/8/470.

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no real basis for moving faster with the Fighting Services than with the rest of the population, and I have stated above the arguments against this course.

The question then is whether those members of the Fighting Services who are already entitled to vote should be given special facilities for doing so. When I was Commander-in-Chief I came to the conclusion that voting by post was not practicable and advised Linlithgow accordingly. As Viceroy I discussed the matter in detail with Auchinleck and reached the same conclusion. The administrative difficulties are that on the one hand the Civil Authorities in the constituencies cannot prepare from the electoral rolls an accurate list of persons absent in the Defence Services (they have not the necessary information about Units, stations, etc.), while on the other hand Commanding Officers do not know which members of their Units are qualified and registered as voters. It would always be difficult to organise a postal voting system in this country and it would, in the judgment of Auchinleck and myself, be quite impossible to organise postal voting for the forthcoming elections. There is probably an impression at home that the Parties here produce printed statements and manifestoes of the kind familiar in the U.K. and that members of the Fighting Services take a continuous interest in politics and would be familiar with the names and background of the various candidates. In fact the choice for the average man would lie between various crude party slogans and war-cries, many of them anti-British, and he would have little or no idea of the consequences of the return of one Party or another to power. He might not even know anything about the candidates standing in his constituency. Even in the constituences, where the voters can attend meetings and see the candidates for themselves, Indian elections are extremely crude—not even up to the standard of Eatanswill[11]—and absentee voting for elections of this kind would be farcical. The best we can do in the circumstances is to give leave liberally to members of the Fighting Services who can be spared and want to go to their homes to vote. We must also try to get those who are otherwise qualified but have lost their residence qualification, registered as soon as the Indian Franchise Bill becomes Law. I see that it passed the Second Reading the other day.

I hope you will not think that we are being illiberal in this matter. It is difficult to convey to people at home the crudity of Indian politics and the impracticability in this large country with its vast rural constituencies, of doing things which are regarded as commonplace with you.

[11] The scene of an imaginary British parliamentary election described by Charles Dickens in *Pickwick Papers*.

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Cabinet

India and Burma Committee. Paper I.B. (45) 15

L/E/8/4869: ff 112–16

APPOINTMENT OF A UNITED KINGDOM HIGH COMMISSIONER IN INDIA

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *17 October 1945*[1]

A decision was taken by the late Government and announced in Parliament on the 14th June, to appoint a United Kingdom High Commissioner in India. I assume it is our intention to adhere to this decision and to implement it at an early date. No conclusions have yet been reached as to the manner in which effect should be given to the proposal. Two points in particular require to be settled before arrangements for the appointment can take shape; what is to be the scope of the High Commissioner's functions, and to what Department will he be responsible?

The anomalous aspect of the appointment.

2. It must be recognised that the appointment, insofar as it is assumed to be analogous to that of the United Kingdom High Commissioners in the Dominions, is and must remain an anomalous one under the present Indian constitution—which, *ex hypothesi*, would not have been affected by the proposed changes in the Viceroy's Council if the Simla Conference had been successful. The Viceroy, who in the last resort has by statute the power to override his Council, remains responsible through the Secretary of State to Parliament; he is the servant of His Majesty's Government and subject to their control (section 314 of the Government of India Act). Now there is to be set up, independent of him, a representative of His Majesty's Government "to represent the particular interests of the United Kingdom", that is, to make representations on behalf of His Majesty's Government to a Government the executive head of which is subject to their control. There is thus a danger of the overlapping or even the conflict of functions unless these can be defined with precision, and there is the risk that in a particular issue conflicting reports of the situation and divergent advice based thereon may be submitted to His Majesty's Government by the Viceroy and the High Commissioner. The logical difficulties may of course prove to be less substantial in practice, and much will depend on the

[1] Date obtained from Cabinet Office.

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personality of the High Commissioner, as well as on the proper co-ordination, in time and substance, of the instructions or guidance furnished to him with the corresponding instructions to the Government of India.

Functions of the new High Commissioner.

3. A precise definition of the functions to be discharged by the new High Commissioner is not without difficulty. It may be found most convenient to indicate in the first place the matters with which under present constitutional arrangements he will not be required to deal. These are the questions of high policy over which His Majesty's Government retain an active control and in which the Viceroy would properly seek instructions or guidance from His Majesty's Government. They embrace (1) constitutional issues; (2) matters relating to defence, including the control of British troops in India; and (3) India's external affairs. These are matters which must continue to be handled in direct communication between the Secretary of State and the Viceroy (or the Government of India) as heretofore. There may however be matters of detail arising under these heads in which His Majesty's Government might properly and conveniently make use of the High Commissioner's good offices. It will of course be necessary to keep the High Commissioner informed of the broad lines of development of His Majesty's Government's policy in the above spheres, not for the purpose of exposition or for discussion with the Government of India, but as a necessary background for guidance in the general discharge of his functions.

4. Incidentally it will also have to be made clear that the High Commissioner will be accredited to the Government of India only and not to the Provincial Governments or the Indian States. With both the latter informal contacts will doubtless be natural and inevitable. The Crown Representative should be kept informed of any contacts with the Indian States.

5. There may be borderline subjects which require only partially to be excluded from the High Commissioner's functions. An example is Imperial relations and the associated problems of the treatment of Indians in the Dominions and Colonies. Relations between India and the Dominions would naturally not be the concern of the High Commissioner for the United Kingdom. But in regard to questions affecting Indians in the Colonies it would seem to be a matter largely of convenience whether the Government of India approach His Majesty's Government by direct reference to the Secretary of State or through the United Kingdom High Commissioner; and equally as a matter of convenience the latter might on occasion be empowered to explain to the Government of India His Majesty's Government's attitude on an issue arising in some Colonial territory.

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6. A positive enumeration of the High Commissioner's functions cannot pretend to be exhaustive, nor would it be politic to attempt to draw up a fixed list which, by not allowing for unforeseen developments, would constitute a limitation on the future expansion of his duties. In India as elsewhere it may be left to the High Commissioner to report in due course what in his opinion in the light of experience he can most usefully undertake. But in view of the considerations in paragraph 2 above some provisional definition of his functions will be needed. At the outset it seems that his functions will fall under the following main heads:—

(a) *The protection and furtherance of British economic and financial interests in India.* This of course covers a wide field, and one in which by convention and usage the exercise of control has passed from the Secretary of State to the hands of the Government of India. In this sphere the United Kingdom High Commissioner would operate with similar functions to those of a United Kingdom High Commissioner in a Dominion. Following Dominion analogies the United Kingdom Senior Trade Commissioner should occupy a position as Economic Adviser on the staff of the High Commissioner. The High Commissioner would with suitable assistance be able to engage in discreet propaganda, from which the Trade Commissioner at present feels precluded, on behalf of British trade; and in addition to economic questions such as those of tariffs, insurance and the like, it would appropriately fall to him to deal with financial issues arising between the United Kingdom and India. In the exercise of the latter function he would no doubt be assisted by a representative of the Treasury on his staff.

(b) *The co-ordination of existing U.K. agencies.* It follows in part from the foregoing that it would be appropriate for the High Commissioner to have the Senior Trade Commissioner associated with him as his Economic Adviser and also (with the concurrence of the Departments concerned) to undertake a general supervision of such of those departmental agencies which have come into being in India to meet war-time needs as it may be decided to keep in being. It would seem of advantage that there should be a single British authority in a position to exercise general supervision from the political angle over their activities, and the Departments concerned would probably welcome the assistance which they might derive in difficulty from a "high-level" approach to the Government of India.

(c) Generally, *the representation of Great Britain in India.* It would fall to the High Commissioner, as to the United Kingdom High Commissioners in the Dominions, to use every opportunity of press, platform, broadcasting, social contacts, to "present" the United Kingdom, her achievements

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and aims, to India in a way which has never been open to the Viceroy or the European servants of the Government of India. In carrying out this function he would of course receive periodic "guidance" from His Majesty's Government.

(d) *Protection of the interests in India of British subjects belonging to the United Kingdom*, regard being had to the powers and special responsibilities respectively of the Governor General and Governors. This includes but is wider than the protection of British commercial interests, and would for example cover assistance (so far as it would be legitimate for a Government agency) to British missionaries in their relations with the Government of India. But it is important to note the limitations to which the exercise of this function must be subject. For example, where European British subjects possess rights under Indian law it would be proper for them to secure enforcement of the rights by recourse to the Courts and not by appeal to the High Commissioner; and as a matter of practical necessity the High Commissioner should not concern himself and should not be expected to concern himself with every appeal for assistance from European British subjects. In the Dominions the general practice is that all British subjects belonging to the United Kingdom are expected and regarded as entitled to look to the Government of the Dominion for protection, though in general the United Kingdom High Commissioner would feel bound to pay attention to individual representations which are brought to his notice.

(e) Lastly, it would also fall to the High Commissioner to report to His Majesty's Government and keep them informed of the situation in India generally in relation to the functions which he is called upon to discharge; in doing so he would not necessarily exclude reference to the political situation which forms the background of his activities.

Under which Office is the High Commissioner to be placed?

7. There remains the question of the Department under which, having regard to the anomalies of the appointment and to the initial limitation of the scope of its duties, the High Commissioner should be placed. The point was promptly raised in the House by Lord Winterton, who stressed its importance, but no direct reply was then given.

8. Insofar as the appointment is to be regarded as evidence of the desire of His Majesty's Government to treat India as far as possible on the same footing as the Dominions, each of which already has a United Kingdom High Commissioner, it might be argued that in order to achieve the fullest effect on Indian opinion the High Commissioner should be placed, like the United Kingdom High Commissioners in the Dominions, under the Dominions Office.

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9. There is, however, no logical reason, so long as the existing constitutional nexus between India and His Majesty's Government in the United Kingdom remains, for placing the United Kingdom High Commissioner in India under the Dominions Office. The latter's function is to act as the channel of relations with the *Dominions*. High Commissioners representing the United Kingdom in the Dominions were introduced to make the channel more effective, but the Dominions Office does not acknowledge responsibility for *all* United Kingdom representatives bearing the title of High Commissioner. India is not yet a Dominion, and the historical background to the appointment of a United Kingdom High Commissioner in India is different from that in the case of the Dominions. The logical course is to associate the High Commissioner with the Office responsible for relations with India; and although this means that the Secretary of State for India on the one hand would convey instructions to the High Commissioner to negotiate with the Government over whose activities he on the other hand has statutorily full powers of control, no practical difficulties are inherent in such a position.

10. The conclusive argument seems to be the practical one that the India Office is best qualified to correlate the contacts between the High Commissioner and the various Departments of His Majesty's Government—it is assumed that, except on matters of pure routine, all communications with the High Commissioner would pass through one Department here. Moreover the India Office, which is in close touch with the political situation in India and from which issue when necessary—and will, when appropriate, continue to issue—the instructions of His Majesty's Government to the Viceroy and the Government of India, is in the best position to ensure harmony in the relations of His Majesty's Government with the Viceroy and with the High Commissioner and to guard against any conflict in their functions. So long as the Viceroy remains subject to the control of His Majesty's Government, exercised through the Secretary of State for India, there must remain the risk of serious confusion if relations with the High Commissioner were conducted by another Department. Nor does there seem to be any practical advantage in an artificial arrangement by which the High Commissioner is placed nominally "under the Dominions Office" while all the correspondence and the work connected with the appointment is carried out by the India Office. The delays and other administrative inconveniences of such an arrangement (which could not be kept secret) are a strong argument against its adoption.

11. I submit, therefore, that the description of the High Commissioner's functions given above should be approved and that when the appointment is made he should be placed under the India Office, notwithstanding that this may derogate from the psychological effect of the appointment on political opinion in India. The point turns on whether it would become the duty of some

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other Minister, whether the Dominions Secretary or the Minister in charge of the Department in Whitehall concerned with the subject matter, to answer questions in Parliament about developments in India on which the United Kingdom High Commissioner had been charged to make representations to the authorities in India on behalf of His Majesty's Government. If, as presumably will be the case, it is held to remain the duty of the Secretary of State for India, in view of his general responsibility to Parliament for Indian affairs, to reply to such questions, it seems inevitable that the High Commissioner should receive his instructions through the same channel.

12. I have consulted the Viceroy on the points dealt with in this paper and have ascertained that he concurs in the views expressed and the suggestions made.

P.-L.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/WS/1/726: f 51

PRIVATE *17 October 1945*

TOP SECRET

1812–S. I have replied officially[1] to your 22951 October 16th[2] about the employment of an additional Indian division in Java. I think it right to let you know privately that in my opinion loyalty and discipline of the Indian Army may be subjected to severe strain (A) owing to agitation about I.N.A., as to whose conduct feelings will be sharply divided, and (B) by demobilisation. I think it most important that we should not add further strain of commitments in Netherlands East Indies or French Indo-China. I am sure you will appreciate this and do your best to resist employment of additional Indian Division in Java.

[1] In tel. 1811–S of 17 October, Lord Wavell told Lord Pethick-Lawrence that he and General Auchinleck felt strongly that H.M.G. should do all they could to avoid sending further Indian troops to the Netherlands East Indies. They suggested that, if it were available, a British Division should be sent to Java instead of the proposed move of an Indian Division (with only one British battalion) from Malaya. L/WS/1/726: f 50.

[2] No. 145.

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Sir J. Colville (Bombay) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/166: ff 43–4

CONFIDENTIAL GOVERNMENT HOUSE, GANESHKIND,
Report No. 51 *19 October 1945*

3. In my last report I spoke too soon when I said that the A.I.C.C. meeting had passed off without any heads being broken! All is quiet again in Bombay, though the situation wants close watching. As you were kept posted by telegram[1] of events during the riots, I shall only attempt a bare sketch here. The first trouble took place during the night of 26th/27th September when a gang of Muslims stabbed several Hindus. This was immediately replied to by the stabbing of Muslims, and a local riot occurred in which there were a number of injuries. Butler, the Commissioner of Police, took immediate steps bringing a large number of armed police into that part of the city as well as Indian troops, and prohibiting all meetings, but he did not immediately impose a curfew in the affected area as he thought that might cause unnecessary alarm. As further trouble took place the next night, Bristow went down to Bombay, and remained there throughout. A curfew was imposed in the affected area, and the trouble appeared to be well in hand by Sunday 30th September. There was, however, a further outbreak of stabbings on Sunday; a British battalion from Poona was called in, and arrived the following day, and after that there was little trouble except for a few isolated incidents. The battalion (2nd Leicesters) was withdrawn on 8th October, and curfew was removed on 10th October. Since that there have been two or three cases of stabbing which show that things are not wholly quiet, and restrictions on meetings are still in force in the area concerned. During the first week of the trouble some difficulty was experienced in maintaining tram and bus services, as the drivers demanded, unreasonably I think, an armed guard on each vehicle, but this threat was overcome by a move to displace the drivers and have the vehicles driven by Service personnel. A large number of R.A.F. other Ranks in the town were eager and ready to take on this duty, but were not called upon. I went for three days to Bombay, and went round the affected area both in daylight and by night. I also held meetings with officials and others, and came away with the feeling that the situation was well in hand, but might break out again later. The total number of casualties up to date has been 39 dead and 177 injured. 1072 arrests have been made. A good number of charges have been preferred, and I am hopeful that severe sentences will be given. The Whipping Act has been applied; in cases such as unprovoked assault with a knife I think this form of punishment is fully justified.

[1] L/P&J/8/574.

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4. The lessons to be learnt appear to me to be firstly, that it is desirable to have a British battalion in Bombay. This had been the case for some time until last year when the East Yorks were removed and replaced by an Indian Unit. I have applied for the return of a British battalion, and I understand that this is being arranged, so I need not trouble you for your help in this matter. Secondly, curfew should be applied at once as, in spite of the inconvenience it causes, it is the most effective form of control. Thirdly, on the first sign of rioting there should be no hesitation in at once arresting and detaining all the known bad characters in the area concerned as, whether interested in the communal strife or not, they are certain to make hay while the sun shines; and it is essential that there should be adequate powers of detention. Public feeling was distinctly nervous and in favour of the strongest measures which the police could take. In fact, the only criticism was that police action was not drastic enough. This came strangely from quarters which nine days out of ten do everything possible to undermine the authority of the police, and on the tenth being frightened call for help. An interesting feature was that a number of papers stressed the value of British troops in such circumstances, and called for their use.

5. As to the cause, my impression is that it was clearly communal in origin, stimulated largely by the violent speeches of Nehru and others at the A.I.C.C. Conference. This was not the only cause, but the growing tension between the communities provided an opportunity for the worst elements in each to break out. The Mayor formed a Conciliation Committee representative of all parties, and it is true to say that the leaders of all parties made every effort to still the disturbance, but characteristically, the Congress Party would not admit that there was anything communal about it, and persisted in describing it as purely hooliganism. I wish I thought that this were so, as it would be much easier to deal with, but I fear that it is deeper, and we may expect more trouble later.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *19 October 1945*
Received: 24 October

Thank you for your letter of the 9th October.[1] I have studied the reports of speeches by Nehru, Pant and Purshottamdas Tandon which you enclosed with it. They certainly contain extreme passages and I am very sorry to hear that some people believe that Nehru is turning his mind towards violent courses. I see that Jinnah has made a violent speech against the Congress which will not

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help matters and I fear that a steep rise in the temperature is inevitable before the elections are over.

2. The Government here is faced with a great many difficult situations. The dock strike is a serious misfortune. We shall probably have difficulties in occupied Germany before long, and the situation in South East Asia appears to be deteriorating. I have just had your telegram[2] deprecating the transfer of further Indian troops to Java and I have strongly supported what you say to the Chiefs of Staff. I hope that it may be possible to make some alternative arrangement and this is being examined. The matter will come before Ministers again tomorrow. I do not in the least underestimate your difficulties and I have urged your point of view very strongly in our discussions about Java. One of the main difficulties is the unbending attitude of the Dutch who seem unwilling to face up to the great changes in sentiment and popular leadership which have occurred in their absence.

3. Thank you very much for sending me a copy of Sen's very useful report on the Bengal rice situation. It seems to me to give an admirably clear picture of the facts and of the lines on which action is required to cope with the situation. I am sure that you and your Food Department will not hesitate to take any steps which fall within your sphere, including the timely giving of "directions" in any appropriate connection if the Provincial Government seem to be showing signs of backwardness or lack of energy. I should be glad if I could be kept informed officially from time to time of action taken on the Sen Report. Meantime I am grateful for the information contained in paragraph 8 of your letter about discussion in Council on this subject.

I and my Office had several talks with Casey and Hutchings while they were here and they were most helpful in improving our knowledge of the Indian side of the picture. Casey and Hutchings also had talks with the Ministry of Food and these will I think have served to convince them that we now have the full support of the Ministry of Food in fighting our case for imports but also, alas, how very slender are the amounts of rice from abroad on which India can count with any certainty. Hutchings will have given you some idea of the difficulties with which the Ministry of Food are faced. In the light of what you say in paragraph 6 of your letter of 23rd September[3] I cannot emphasise too strongly the point that His Majesty's Government do not themselves dispose of *any* surplus rice and that such surpluses as are in sight from the liberated areas in South East Asia are for allocation by the Combined Food Board in Washington, where the Americans have been making themselves very difficult in opposition to India's claims. Such supplies as are likely to be available from Burma, Siam and French Indo-China (and these are still largely a matter of

[1] No. 135. [2] See No. 148. [3] No. 121.

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guesswork as regards the latter two countries) are certain to be immensely short of total requirements. Total exports of rice from these sources combined, during the remainder of 1945 *and throughout 1946*, are unlikely to exceed 2 million tons at the most, and as yet the only firm figure we have for exports from these countries before the end of this year is 100,000 tons from Burma. As against this there are claims for Malaya, Hongkong, Borneo, Netherlands East Indies and the Philippines in some of which territories conditions are already said to be bordering on famine—not to mention Ceylon where there is much criticism of the local rice ration of 2 lb. per head per week as most inadequate in comparison with the ration in neighbouring Madras.

4. I was much interested to read in paragraph 4 of your letter of the 23rd September the steps that are being taken to lay down at an early date the war-time powers assumed in Defence of India Rule 26 and the subsequent Restriction and Detention Ordinance of 1944. I have also seen the Home Department circular letter of 21st September[4] on this subject. I am glad that it has been found possible to reduce so considerably in recent weeks the number of persons detained without trial, and I of course welcome in principle anything that can be done to diminish the use of extraordinary powers which, necessary though they may be on occasion in Indian circumstances and especially in the critical years of the war, are nevertheless open to criticism as an arbitrary interference with the liberty of the subject. I fully realise however that the problems of law and order are in certain Provinces of particular difficulty and that the withdrawal of the Ordinance should be so arranged and timed as to mitigate any embarrassment to the authorities in those Provinces. I shall be much interested to learn of the provincial reactions to the Home Department letter and of the measures which the Provinces propose, where they think it necessary, to substitute for the powers available under the Ordinance. The law and order problem is of course one for the Provinces, but in view of the existence in many of them of Section 93 Governments I should be grateful if before the Ordinance is actually withdrawn you could let me have an appreciation of the position in the Provinces most affected; and could assure me that in your opinion there is reason to believe that no untoward consequence will follow its repeal.

[Para. 5, on two air passages for representatives of the Women's International Alliance, omitted.]

6. Dorman-Smith is faced with a difficult time and the flare up in the Dutch East Indies will not make his task easier. I hope you will do anything you can to help him. He may have some minor crises on the supply side and if he should appeal to you for help I feel sure you will do what you can.

[Para. 7, on the Governorship of Madras, omitted.]

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8. I think you may be interested to know that an India Committee of the Conservative Party has just been formed. Oliver Stanley has been elected Chairman, and Sir Stanley Reed is Deputy Chairman. The Committee's Joint Secretaries are Godfrey Nicholson and Lord John Hope.

[4] L/P&J/8/634.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/PO/6/102c: f 438

IMPORTANT NEW DELHI, *19 October 1945, 1.45 pm*
Received: 19 October, 9.35 am

1826-S. Your letter dated October 9th.[1] Proposed visit by Parliamentary delegation. I welcome this though with central and provincial assemblies dissolved, there are no repeat no parliamentary bodies with which party could make contact.

2. I presume that correct procedure will be for Empire Parliamentary Association at home to suggest visit to Indian branch. Indian branch is not repeat not very active. It receives a small grant from Central Government and has practically no funds of its own. I have consulted Finance Minister who says he thinks Government of India could properly contribute expenses of party in India but not repeat not cost of passages to India and back to United Kingdom.

3. If you agree, will you please arrange for visit to be suggested (?by) Indian branch of Empire Parliamentary Association stating its probable duration? I think 6 weeks would suffice. I would then have Association informed that Government of India would be prepared to contribute.[2]

[1] No. 136.

[2] On 2 November, Mr Turnbull sent Sir E. Jenkins a confidential letter from Sir H. D'Egville, of the Empire Parliamentary Association, to Sir M. Dadabhoy, President of the Indian Council of State, in which Sir H. D'Egville suggested the idea of the Indian Empire Parliamentary Association inviting a deputation of M.Ps to India. The Empire Parliamentary Association were, apparently, confident they could get Treasury assistance for the cost of the passages. L/P&J/10/20: f 245.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/WS/1/726: f 29

IMMEDIATE INDIA OFFICE, *19 October 1945, 7.25 pm*
PRIVATE

543. I am replying officially[1] to your No. 1811–S[2] about the proposed movement of British Indian Troops to Java.

2. Ministers discussed this this morning. I supported your case with all possible arguments but conclusion reached was that urgency of situation made it inevitable that 5th Indian Division should go from Malaya as proposed by Mountbatten.

[1] In tel. 23221 of 19 October. L/WS/1/726: f 29. [2] No. 148, note 1.

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Sir A. Dalal to Sir E. Jenkins

L/E/8/3821: ff 159–61

D.O. No. 347–HM/45 NEW DELHI, *20 October 1945*

Will you please refer to your D.O. letter No. 1184–G dated 4th October[1] on the subject of commercial discrimination which was discussed with H.E. the other day? I enclose notes[2] on the four cases referred to by the Secretary of State.[3] The notes are factually self-explanatory, but certain comments are necessary which, I think, it would be convenient to make in this covering letter.

2. It appears to me from your letter of the 29th September[4] that the Secretary of State has somewhat misunderstood the policy of the Government of India which I endeavoured to get accepted by H.M.G. He refers to the Government of India using their freedom "to prevent the establishment of new industrial concerns in India not owned by Indians" and further to a policy "of excluding new U.K. concerns from India". All these suggest that the Secretary of State is under the impression that it is the policy of the Government of India to exclude U.K. industrial interests from operating in India. This, as will be clear from the draft White Paper which was submitted to him, is a misconception. In the first place, the draft White Paper stated, in terms that left no room for ambiguity, that, in the whole field of industry outside 17 basic industries, there was to be no discrimination of any sort against U.K. concerns which could operate with the same freedom as any Indian concern. I made this repeatedly clear during my

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conversations in London. Secondly, as regards the basic industries themselves, I pointed out—and this was also clear in the draft White Paper—that what we demanded was a right to control the industry and *not* to shut out or exclude British industry. We asked for a 70% share in the capital for Indians and were prepared to leave 30% to the British. Further, we were most anxious to obtain, on terms to be mutually agreed upon, the technical assistance of British industry and we suggested that, in the case of industries of a highly specialised character requiring technical knowledge not available in India, we were prepared to let British interests form a managing agency firm and have a controlling interest in it. To describe this policy as one "of excluding new United Kingdom-owned concerns from India" seems to me quite erroneous.

3. If the precise scope of my proposals were explained to the Secretary of State, I doubt if he would still consider that he hopes to persuade future Governments out of them. If so, I am bound to point out that I disagree altogether with this estimate of future probabilities. This matter of commercial discrimination has been a running sore in Indian political controversy for a long time and it was because of the tremendous importance that India attached to it that Sir Stafford Cripps announced, when he conveyed H.M.G.'s proposals for a constitutional settlement in 1942, that the continuance of commercial discrimination would be no part of the future Indian Constitution. Nothing has since happened which would lead me to suppose that Indian opinion on the subject has changed. I think it should be pointed out to the Secretary of State that, on the question of Commercial Safeguards, Indian members of the Legislative Assembly of all parties were unanimous and that the proposals, which I took with me to London, had the full support of the present Executive Council. If I may say so, it would be unrealistic to suppose that future governments would be more accommodating than the present one.

4. In point of fact, the proposals, which I discussed with H.M.G., do not go as far as certain sections of Indian opinion would like. Restricting the policy of Indian control to basic industries and agreeing to managing agency agreements under non-Indian control is a compromise which I felt it necessary to make in the interests of securing the widest possible measure of British co-operation consistent with Indian sentiment. I apprehend that future Governments in India will take a more extreme view and want to go much further than I did in my negotiations. The probabilities, in my judgment, are thus the very opposite of those envisaged by the Secretary of State.

[1] Asking for details on the four cases of alleged discrimination mentioned by Lord Pethick-Lawrence. Wavell Papers, Official Correspondence: India, Jan.–Dec. 1945, p. 326.

[2] L/E/8/3821: ff. 164–7. [3] See No. 118.

[4] Conveying the substance of No. 118 and inviting him, together with Sir R. Mudaliar, Sir A. Rowlands and Sir Azizul Haque, to a meeting with Lord Wavell on 6 October. Wavell Papers, Official Correspondence: India, Jan.–Dec. 1945, pp. 322–3.

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5. The Secretary of State has expressed the hope that an arrangement will be negotiated by H.M.G. with the future Government of an independent India to the mutual satisfaction of both sides. I share that hope. But even on the most optimistic estimate, it will be several years before such an arrangement can be arrived at with a future independent India. Industrialisation, on the other hand, is to proceed apace with the active assistance and co-operation of Government. It is not unlikely that a number of basic industries may be established in India under British control by powerful interests before India is in a position politically to negotiate a commercial treaty with the U.K. Such a situation will not be contemplated with equanimity by any future Government or Legislature in India. As already stated, the Legislative Assembly passed a Resolution on the subject of "Safeguards" in the last Budget session with the approval of every shade of Indian opinion. The new Assembly, which is expected to meet at the end of January or beginning of February, is not likely to be satisfied with the assurance that the question of commercial safeguards will be considered as a part of the main constitutional issue. I urge, therefore, that a definite assurance of the intention of H.M.G. to tackle the issue on lines satisfactory to Indian opinion, may be given before the next Assembly session.

Yours sincerely,
A. R. DALAL

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Cabinet

India and Burma Committee. Paper I.B. (45) 16

L/WS/1/1577: ff 142–7

Treatment of Indian and Burman Renegades and Collaborators with the Enemy

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA AND BURMA

INDIA AND BURMA OFFICE, *20 October 1945*

I desire to obtain the views of my colleagues on the attitude that should be adopted both to Indians and to Burmans who have taken part against us during the recent hostilities.

They are of the several kinds whose main characteristics and differences, one from the other, are set out in the three annexed notes which also indicate what measures have already been taken in each case and how far policy has thereby been framed.

The main issue to be decided is whether we should proceed rigorously in all major cases and should not pass over lightly definite offences of smaller

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people; or whether we should go to the utmost limit of clemency. Once this fundamental issue has been decided, its application to the various classes of offenders can be decided on their respective merits.

In particular there are the questions

(1) of the offences for which the death penalty should actually be carried out as a result of the courts-martial on the Indian Army personnel who served with the Indian National Army;
(2) of the treatment of civilian Indians taken in South East Asia either as members of the Indian National Army or as collaborators with the enemy in other ways;
(3) what is to be done with regard to Dr. Ba Maw, U Saw and other Burmans of lesser importance who acted against us;
(4) of the disposal of the Indian renegades who are now in or may be taken into custody in Europe.

P. L.

Annexure I to No. 154

INDIAN MILITARY OFFENDERS

1. The main organizations composed of Indian personnel which collaborated with the Japanese or German forces, are,

(a) *Indian National Army* (I.N.A. or J.I.F.S.)

These are estimated to amount to—

20,000 men of the Indian Army, as well as
23,000 civilians (of whom 20,000 were resident ex-India) (see Note [Annexure] II)

(b) *950 Regt.* (H.I.F.S.) (Hitler's Indian Foreign Legion)

Of these men some 3,000 are now in India.

The former compose the forces who, under the leadership of Subhas Chandra Bose, formed part of the Japanese Army. The latter correspondingly formed part of the German Army.

2. The individuals in each section when they have been recovered and questioned are divided into the following categories.

(a) *Whites.*

Those whose loyalty is beyond question. They are treated as any other recovered P.O.W. and will continue to serve in the Army.

(b) *Greys.*

Those whose loyalty was weak and who, subject to propaganda etc. broke down but who are not fundamentally and incurably disloyal. These are

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discharged as "services no longer required". They will forfeit pay for period spent as P.O.W. including time spent as a H.I.F./J.I.F., but not any amount issued as family allotment. They will not be given a war gratuity but, as an act of Grace, will be given leave with 42 days pay prior to discharge. They will be entitled to draw any pension earned by service excluding the period spent as a prisoner of war.

(c) *Blacks.*

Those whose conduct merits trial for a criminal offence or those whose release would be dangerous.

3. (a) Investigations into the I.N.A. activities show that of those who formerly belonged to the I.A., 16,000 have been recovered, of whom 11,300 have been interrogated. The division into categories provisionally is as follows:

Black 2,565
Grey 5,091
White 3,644

The above figures are provisional and may vary as the result of Courts of enquiry which are yet to be held, and when statements by loyal P.O.W.s not yet recovered have been considered.

(b) In the case of 950 Regt. the 3,000 held in India have all been provisionally classified as Black. Further details of classification are not yet available.

4. As a result of interrogation, the following categories will be tried by court martial:

(a) Officers Indian Army	59
(b) V.C.O.s who became officers I.N.A.	29
(c) V.C.O.s who joined 950 Regt.	14
(d) Those who deserted from our lines, as opposed to being taken prisoner	40
(e) I.O.Rs who became officers 950 Regt.	12
(f) Those instrumental in causing death of any British or Allied subject in or out of battle	60
(g) Those guilty of brutal conduct, either to fellow JIFS/HIFS or to members of the Allied Forces	92
(h) Those who took part in capture or handing over to enemy [of] any British or Allied subject	53
(i) I.O.Rs who became officers I.N.A. and took a leading part in battle against us	240
(j) Fujiwara Volunteers (Men captured in Singapore and joining a force raised by the Japanese Col. Fujiwara.)	205

The C. in C. has directed that, in the first instance, the trials of those in trial categories *other than* (a) (b) (c) and (e) should proceed, and that trials under these four categories should be postponed for the present.

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5. As a result of investigation, court martial sentences are likely to be confirmed in the following cases:

(a)	Persons causing death of any British or Allied subject whether in or out of battle	60
(b)	Brutal treatment to any British or Allied subject	92
(c)	Handing over to the enemy any British or Allied subject	53
(d)	The senior V.C.O. or I.O.R. of a party over ten in number which deserted and joined I.N.A.	40

Numbers under other categories are not immediately available.

These offences in the "Black" category are serious offences for a soldier to commit, and punishment is either Death or Transportation for life. To deal leniently with such cases would cause great offence to the Indian Army and, in particular, to those P.O.W.s who remained steadfastly loyal in spite of all the blandishments, propaganda, hardship and brutality to which they were subject. On the other hand it should be remembered that Pandit Nehru and others are glorifying these men as true and long sighted patriots.

It is estimated that death sentences may be imposed *and continued* [*confirmed*] and executed in approximately 50 cases mentioned above. The others would be commuted to varying periods of imprisonment.

6. Discussion is proceeding with the Government of India of a proposal that the release from service in Burma or Malaya of recovered Prisoners of War desiring to be so released should apply also to those who served in the I.N.A.: the effect would be that such men, even if they are Blacks or Dark Greys, would thereby escape trial and punishment.

Annexure II to No. 154

CIVILIAN INDIANS

The civilian Indian renegades may be divided into (A) those who collaborated with the Germans in Europe; or (B) those who collaborated with the Japanese in South East Asia.

A. Europe.

(a) The numbers involved are comparatively small. Of those suspected of collaboration, eighteen were earmarked for prosecution and twenty-four for repatriation. Of this total, twenty-eight are now under arrest, together with six others, a total of thirty-four. The interrogation of these men is in progress and is partially completed. The two most important are A. C. NAMBIAR, Bose's Minister in Berlin, and his successor as head of the Free India Organisation in Germany; and N. G. GANPULEY in charge of the Organisation's radio propaganda.

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(b) The charge on which prosecution may be undertaken in the more serious cases is that of conspiring to wage war against the King. The activities on which the charge would be based are those of activities on behalf of the enemy (such as broadcasting, the provision of broadcasting material, etc.) and in particular of attempts to suborn Indian prisoners of war from their allegiance and to recruit them for service in the "Free India Legion" (or No. 950 Regiment) which later became part of Bose's Indian National Army.

(c) Until interrogation is completed (which may take another month or so), it is not possible to forecast the numbers of those now under arrest against whom prosecution could be successfully undertaken. Trial, if held, must take place in India.The alternatives are therefore (i) prosecution in selected cases (ii) removal under custody to India for release, and (iii) release in Europe. The Governor-General's view (the matter has not yet been discussed in Council) is that as nearly all the persons concerned are so comparatively unimportant, course (iii) is the best, subject possibly to a few exceptions. One of those previously arrested has already been released, but the release in Europe of any number of those known to have collaborated with the enemy would presumably, in the unsettled state of the Continent, raise security problems for the military as well as personal problems of maintenance and employment for the individuals released. They would not be welcome in this country.

(d) For the most part, those arrested on the Continent are not persons of special importance, and so far their fate is not known to have excited interest in India, though doubtless interest would be stimulated if any were brought to trial in India. The main issue is whether there can be any question of forgoing prosecution in the case of those most deeply implicated.

B. South East Asia.

(a) The Indian civilian collaborators in South East Asia are more numerous. It is estimated that 23,000—of whom 20,000 were domiciled outside India—joined the Indian National Army (i.e. apart from those who were previously members of the Indian fighting services). The list of suspects prepared by the Government of India numbers eighty-seven, twelve of whom (including Subhas Bose, whose death is presumed) were regarded as the more serious cases. Thirty-three are now in military custody and their interrogation is in progress.

(b) The large number of the civilians who joined the Indian National Army includes only relatively few who are likely to be charged with really heinous offences. The collaborators who did not join the Indian National Army are those who acted as assistants (as Ministers or otherwise) to Subhas Bose in the "Government" which he set up.

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(c) The prime problem in the disposal of the Far East collaborators is the action to be taken against Subhas Bose if he were found alive. Of the thousands who joined the Indian National Army, some 2,600 have been rounded up and 1,552, who presumably are persons with Indian domicile, have been removed to India: they will become a provincial responsibility and be released gradually, except for the few against whom, after interrogation, a charge may be found to lie of really serious offences. There is [? no question of all members of] the Indian National Army being dealt with by court-martial. The action to be taken against the few serious cases among them and against the more serious offenders who were not members of the Indian National Army awaits consideration.

(d) The fate of the arrested men has excited much interest in India, notably on the side of Congress. In dealing with them, however, it has to be borne in mind that Subhas Bose, their leader, was the head of the Forward Bloc, the extremist wing of Congress, and that many of them had close associations with the Bengal terrorists.

There is an appearance of inconsistency between the Governor-General's reluctance to have repatriated the few persons in question in Europe and the acceptance already into India of over 1,500 from South East Asia.

Annexure III to No. 154

BURMA

[*This Annexure is not printed.*]

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Sir S. Cripps to Lord Pethick-Lawrence

L/P&J/8/471: f 84

PERSONAL

BOARD OF TRADE, MILLBANK, S.W. 1,
22 October 1945

My dear Pethick,
There are two matters I would like to mention to you.

(i) *Congress Socialists.*

I understand these people, who are the left-wing of Congress and amongst whom are many of our friends & follows[?fellows *or* followers] in political theory, are still under disabilities as a result of their political action.

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I hope you will be able to see to it that they are not in any way handicapped in the election as it would indeed be tragic if the Right Wing of Congress were to have absolute freedom while the Left Wing suffer restraints & disadvantages.

(ii) Would it be possible for you to have amongst your advisers one at least of the more advanced line of thought. I would suggest a man like Carl Heath. I think it would be of the greatest value and would mark very well the difference in our outlook upon Indian questions.

Yours,
STAFFORD

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Sir S. Cripps to Lord Pethick-Lawrence

L/PO/8/41a: f 96

PERSONAL AND PRIVATE BOARD OF TRADE, MILLBANK, S.W. I,
22 October 1945

My dear Pethick,
I understand Lt. Gen. Sir A. Nye (who is retiring from the army & has been a very good V.C.I.G.S during the war) would like to be considered for the Governorship of Madras.

In my view he would be an admirable choice and you might think it worth while to see him.

He is very "enlightened" in his views.

Yours,
STAFFORD

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 39 *22 October 1945*

The original of your letter of 5th October[1] arrived during the week and I have also your letter of 12th October[2] to answer.

2. There is little change in the political situation. The Congress leaders are intensely interested in the I.N.A., and the nationalist Press will make the most they can of the trials, which begin next month. There is also much interest in

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Indonesia and to a lesser degree in French Indo-China. Events in Palestine are causing concern to the Muslims, and on this issue all parties are united for the Arabs and against the Jews.

3. The Congress leaders evidently intend to use the story of Subhas Chandra Bose's provisional Indian Government and of the I.N.A. for all they are worth. They have appointed an influential Defence Committee, of which Nehru is a member, and leading Indian Counsel are being briefed for the defence of the accused. You say in paragraph 2 of your letter of 5th October that if death sentences are to be executed only on those members of the I.N.A. who have been directly responsible for the death and possibly the torture of a fellow Indian, we shall take the wind out of Congress criticism. I am not at all sure about this. The Congress case is built up on a misrepresentation of the status of Subhas Chandra Bose's provisional Government of India and of the character and efficiency of the I.N.A. They will compare Bose's Government to the Governments of the Occupied European countries in the U.K. during the war, and the I.N.A. to de Gaulle's Free French. It sounds absurd but they are already putting this across with a considerable part of the Public; and events in Indonesia are being used to help them in their picture. I hope we may at the trials be able to bring out the true character of the I.N.A., who with a few exceptions were not patriots, but the cowards and weaklings who could not stand up to pressure as did their stouter fellow prisoners—more than two-thirds of the total. I read the other day the summary of evidence against a Muslim officer who is charged among other things with having caused the death of a soldier serving under him in the I.N.A. The summary shows that Bose's Government adapted the Indian Army Act for use in the I.N.A., and introduced the punishment of flogging. The accused is alleged to have ordered the flogging of four soldiers, which was carried out with extreme brutality, so that one of them died. The defence will undoubtedly be that though the incident was regrettable, the accused was authorised to inflict the punishment and has committed no offence. Arguments of this kind are accepted without question by the nationalist Press and I fear by a large proportion of the educated people here. The interest of the Congress leaders in the I.N.A. seems to be connected with a general interest in the armed forces, which was evident even at the Simla Conference. This effort of Congress to suborn the Army is likely to be the most dangerous development of the near future. In his talk with me before the Conference[3] Azad said that one of the main desires of the Party was that the Indian Army should become a truly national organisation to which the public, and presumably the political leaders, could have free access. Azad has recently made a statement deploring the fact that members of the armed forces are not enfranchised as such, and there is no doubt that the Congress Party wish to

[1] No. 131. [2] No. 140. [3] See Vol. V, No. 536.

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establish influence over people who are capable of fighting. Nehru's interest in the I.N.A. is almost certainly connected with some idea of this kind. He has just spent a day or two in Delhi and interviewed the three I.N.A. officers who are to be tried first.

4. Congress protests against British intervention in Indonesia and French Indo-China were to be expected. There is no appreciation of the difficulties with which Mountbatten and his Commanders are faced, in having not only to disarm the Japanese, but to protect and recover a large number of prisoners of war and internees, including women and children. We have from the first been represented by the politicians and the Press here as supporters of Dutch or French imperialism. At the moment the interest in Indonesia is a good deal stronger than in French Indo-China, probably because the Indonesian resistance movement has on the whole been more successful, and there is more news about it. Azad has protested strongly against the use of Indian troops to suppress the nationalist movement in Indonesia and has appealed to Indian labour to refuse to co-operate, e.g., in loading ships to supply our forces.

5. As I expected, the Muslims are extremely sensitive about Palestine and on this issue all parties and communities are united. There is a feeling that His Majesty's Government have from the first been prejudiced against the Arabs and that the Arabs are being unjustly treated.

6. Electioneering continues and there are still complaints from the Punjab of official interference. I spoke to Glancy and Khizar about this when I was in Pindi. I had a letter from Firoz Khan Noon the other day, complaining that my speech at the Pindi durbar, in which I praised the Punjab war effort and the leaders who had directed it, had been interpreted as an injunction to support the Unionist Party. I had no difficulty in answering him.

I am making enquires about the suggestion in paragraph 2 of your letter of 12th October as to the method of voting in the Punjab. I am not sure that Woodrow Wyatt is right in thinking that the Punjab is the only exception to a uniform system, e.g., of coloured boxes or the like. My impression is that the rules and practice differ in the different Provinces and that there is no uniformity. I think it would be difficult for the Punjab Government to change the procedure with the elections so close. The distribution of equipment, the training of staffs, etc., in a large Province is a considerable undertaking, and for the actual polling officials are drawn from all the departments, including I believe even the Subordinate Civil Judges. Changes in standards and methods need a good deal of thinking out and the time is now short.

7. You suggest in paragraph 3 of your letter of 12th October that there might be advantages, of which you are not yourself convinced, in a restoration of Ministries in the Section 93 Provinces before the elections. This is a subject on

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which Congress propaganda has been widespread and effective. Except in Bengal, where the constitutional breakdown occurred for different reasons, the Ministries in the Section 93 Provinces resigned in 1939 on the orders of the Congress High Command because the Congress Party Leaders disapproved of India's participation in the war. All of them had large majorities in the legislatures, and there was no reason why they should not have continued in office. Since they resigned, no effort has been made by the Party leaders at any time to restore them, though no Governor could have resisted a request by a person commanding the support of the legislature to resume office. The Congress newspapers have suggested so often that the Ministries were dismissed in 1939, and have been kept out of office by the Governors ever since, that a good many people even in India believe this version of the story, and it is probably widely believed by people at home. At the last Governors' Conference[4] we considered whether Governors should try to induce Party Leaders to form Ministries before the elections, and came to the conclusion that this would be unwise. We thought that any new Ministries that might be formed would use their authority mainly to influence the elections and would do little else. There are various technicalities connected with the budget to be considered as well—a new Ministry would have to meet its legislature and pass a budget for the current financial year before beginning to deal with the elections, and this might have upset the entire programme. If the Congress had meant business, they could have resumed office in the Provinces immediately after the Simla Conference but it was clearly not the party's policy to do so—I believe the only exception permitted by Gandhi, in the N.-W.F.P., was due to the fear that if the Congress declined to take office the Muslim League would gain in strength. The question is, however, no longer one of practical importance as most of the Provincial legislatures have been dissolved and it would be difficult to form a new Ministry with no legislature in existence.

8. During my tour in the Punjab I was told that Muslim League propaganda about Pakistan was having a disturbing effect. The League speakers are apparently saying that these elections will decide whether there is to be Pakistan or not, and that if the League win in the Pakistan Provinces no further vote by the legislature or plebiscite will be needed. Statements of this kind cause considerable alarm not only to the Muslim Unionists but to the Hindus and Sikhs, and I am taking advice on the possibility of an announcement by you—perhaps in reply to an arranged question in Parliament—on His Majesty's Government's attitude. We clearly could not agree to permit any Province to stand out of the new constitution, or to secede at a later stage, on the result of elections to the Provincial Assembly or of a purely Muslim plebiscite. The question is not an easy one, and I will telegraph or write to you about it separately when I have made

[4] No. 2.

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up my mind. If it is decided to make a statement on the subject in Parliament, it would not be necessary for me to pursue it in my Calcutta speech.

9. I am sending by this bag a copy of a letter of 10th October[5] from Azad to me. A reply has been drafted but I have not yet finally approved it. I am clear that I cannot make further concessions to Azad. The Provinces have been slow in considering the cases of political prisoners who have served terms of 14 years or more—there are about 25 of them nearly all in Bengal and the Punjab—and I have told my Home Department to expedite their advice about these people. I am also having enquiries made about the long sentences on juveniles to which you refer in paragraph 3 of your letter of 5th October.

10. Nehru has continued his wild speeches during a tour of the eastern districts of the United Provinces, which were much involved in the disturbances of 1942. In one speech he is alleged to have attacked five officials by name and threatened revenge on them as soon as the Congress Party came into power again. These speeches are having a depressing effect on Service morale and I received a telegram the other day from Hope drawing my attention to them, and saying that the Madras Police were most uneasy and that morale was rapidy deteriorating. I have seen this morning a Zamindar from the U.P., who has always been loyalist and has helped with recruiting and the suppression of the 1942 rebellion. He admits frankly that he is being frightened out of his Province altogether by Congress threats, and says the Police and soldiers are also losing morale. He is, I think, unduly defeatist but his attitude is by no means singular. I am told that some of the Party Leaders do not approve of Nehru's violent speeches. Nehru is likely to pass through Delhi again on 3rd November and I am considering whether to send for him and tell him quite plainly that these attacks on the British régime, on the Muslim League and on officials are making a settlement next spring considerably more difficult than it need be, and that I shall consider it my duty to protect officials from victimization. I do not think that this will do much good, but it can do no harm and Nehru will have had a warning, if we have to arrest him later on.

11. Thorne joined the Executive Council as Home Member during the week. I have announced Sultan Ahmed's resignation and Hydari's temporary appointment in his place. I am looking into the rather technical points raised by you in a recent telegram about Executive Councillorships,[6] and hope that we may be able to deal with them and to justify substantive rather than temporary appointments in future vacancies. I told Council about the selection of Waugh to act as a Member during Mudaliar's absence and the appointment will be announced when Mudaliar leaves.

Coates has been very busy since his return from leave and I have just approved the substitution of a single Co-ordination Committee of Council for the War Resources and Reconstruction Committees. Something of this kind is obviously

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needed, as the War Resources Committee has fulfilled its purpose and the Reconstruction Committee was really intended to deal with long-term planning during the war. The membership of the War Resources and Reconstruction Committees was largely the same and a single Committee co-ordinating the work of all the departments and paying special attention to the problems of the transition from war to peace is what we need. I am the Chairman of the new Committee, with Dalal as Deputy Chairman for the time being. Most of the work that will be coming before the Committee in the early stages will be his concern, and later on we can alter the membership and if necessary appoint another Deputy Chairman to suit the business actually coming before us. Coates is setting up a small Secretariat which I hope may develop later into a real Council Secretariat capable of serving the Executive Council and its Committees and also perhaps a Committee of Indian Defence. An organisation of this kind has been talked about since Willingdon's time, but owing to manpower and other difficulties has never been achieved. During the war we have developed the Standing Committee system with good effect, but the constitution makes it impossible to have a real inner Cabinet, and decisions by Standing Committees can always be challenged by any Member of Council. I believe that if we have a "political" Executive Council of approximately the present strength there will have, in practice, to be a Cabinet of perhaps five or six Members and it will be interesting to see how the problem is dealt with. A Council of sixteen is really too large a body for the day-to-day settlement of policy.

12. There were three Council Meetings during the week. At the first, at which I was not present as I was away on tour, Council discussed an amendment to the Government Servants Conduct Rules regulating the participation of Government Servants and their dependants in politics. The present Rules are antiquated and badly expressed and the intention was to simplify them. Council approved the proposals for Government Servants, but were doubtful about the form of restriction on dependants, and this is to be examined further.

The two other meetings dealt respectively with the Soulbury Commission's Report and the Report of the Central Advisory Board of Education. I have telegraphed[7] to you at length on the Soulbury Commission's recommendations and I need not say more about them now. The Education Report has been before Council for a very long time. As you know it recommends compulsory free primary education for boys and girls up to the age of 14, a great expansion of high school education, and other far-reaching improvements. The cost of the recommendations is large by Indian standards—nearly Rs. 300 crores per annum when the scheme is fully developed in the fortieth year. When the Report first came before Council in the spring there was much opposition to it led by

[5] No. 138. [6] 519 of 4 October. L/PO/10/18.

[7] Tel. 1824-S of 18 October which, in particular, expressed Council's grave fears on the Commission's recommendations respecting the Indian franchise in Ceylon. L/P&J/8/199.

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Mudaliar and Ambedkar, both of whom thought that the backward communities needed special attention, and that the scheme would fail if safeguards for the backward communities were not inserted in it. There was also criticism of the recommendation that progress should be made from area to area and not from age to age—that is to say that the scheme should be fully enforced in selected areas, and that we should not proceed by advancing the school-leaving age by one or two years at a time all over the country with intervals between these stages. Sargent assured Council that all professional opinion was in favour of the area to area method, but at the time he failed to convince them. We were unable to deal with the Report during the summer largely owing to the evasiveness of Jogendra Singh, who finds the Delhi hot weather too much for him and spends nearly the whole of the summer at his Simla house. On this occasion, however, my colleagues were far less critical and Council accepted the principles of the Report as our educational objective. Rowlands pointed out that he saw no hope whatever of providing the financial resources required and mentioned that other social services—medical relief, health and so on, also needed urgent attention and very considerable expenditure. It was felt, however, that the acceptance of the principles in the Report would enable the Education Department to deal with the Provincial schemes for the first five years, most of which have now been submitted.

13. The food situation is still causing me anxiety. Hutchings and his rice expert, Somerset Butler, have flown to Rangoon and originally hoped to get on to French Indo-China, though I gather that in present conditions it will not be possible for them to do so. Casey has given you a first-hand account of conditions in Bengal and I am glad you found his visit so useful. I do not think we can do much more at the moment, except to continue to press for imports and to prepare for trouble next year in Bengal and Bihar. I have just seen a report by the Director-General, Indian Medical Service, on the state of the medical services in Bengal, which is on the whole reassuring, though I am afraid that administrative standards are still low.

[Para. 14, on a proposed Indian exhibition in London, omitted.]

15. I am very glad that the Cabinet have agreed that Bajpai should be given the status of a Minister. I have not told the External Affairs Department about this, and will take no action until I hear from you again.

16. Thank you for the South African memorandum[8] on the question of the Italian Colonies. I think the line taken for India was reasonable; the future of territories on the route between India and U.K. is obviously of very great importance to us.

17. I am glad the Minister of Labour has been so friendly about the scheme for the higher training of Indians. Bevin's scheme for the training of boys in

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industry was very popular here, and I am sure that a similar scheme for higher training would go down very well indeed.

[Para. 18, on an irrigation engineer for the Iraq Commission, omitted.]

19. There is still a certain amount of interest in India about the appointment of the U.K. High Commissioner, and I hope you may be able to make an announcement before long.

20. I have been considering the examination here of the possible provisions of a treaty between His Majesty's Government and the future Indian Government. It so happens that Sir B. N. Rau, who was formerly one of our legal and constitutional experts, and recently retired from the Calcutta High Court, will be available within a few days and I intend to place him on special duty to begin the work. After leaving the Calcutta High Court, Rau became Prime Minister in Kashmir, but disliked the conditions there and resigned during the summer. I then appointed him to report on a boundary dispute between Madras and Orissa, and he expects to submit his report within a few days. He has a high reputation as a lawyer, and I have heard him mentioned as a possible candidate for the Federal Court. I think he will do well on the treaty problem and I will keep you informed of progress.

21. I sent you a copy of my circular letter of 11th October[9] to Governors about the future of the Backward Tribes. I shall probably have their opinions within the next three weeks.

[8] L/P&S/12/4538. [9] L/P&J/7/6787.

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Mr Herbert to Mr Clauson

L/P&S/13/998: ff 144–6

NEW DELHI, *22 October 1945*

Desire of the Hyderabad Government to obtain an outlet to the sea in order to secure its economic future.

My dear Clauson,

I am desired to enclose for the information of the Secretary of State a copy of a note forwarded by the Resident at Hyderabad in advance of his recent visit to Delhi with the Nawab of Chhatari. This note was discussed by the Political Adviser with the Resident and the Nawab. Savidge also happened to be in Delhi at the same time, but it was considered inadvisable that he should be included in the discussions.

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2. At these discussions the Nawab referred to Political Department letter No. 376-P/42[1] dated the 25th June 1943, (a copy of which was forwarded to the India Office under cover of Fitze's letter No. 26/F-(A)-M/43 dated the 29th June 1943), which stated that, at the then stage of uncertainty as to the future, no useful purpose would be served by attempting a detailed reply to the Hyderabad Government's reactions to constitutional changes resulting from the Cripps' offer. The Nawab said that the time had now come to reconsider this letter in view of the further constitutional discussions, which were now likely to take place.

It is proposed to await any further reference which the Hyderabad Government may make on this question, but meanwhile the Secretary of State may be interested to see the copies of the enclosed correspondence[2] regarding a proposal for the institution of a Council for Greater India, which was not pursued by the Nawab of Chhatari, presumably in view of the statement subsequently made after His Excellency Lord Wavell's return from discussions with His Majesty's Government.

3. As regards an outlet to the sea, the Nawab urged that Hyderabad had strong moral claims to special consideration not only because of its Treaty position but because of its past friendship and recent war services; the State was most anxious to maintain its relationship with the Crown and considered that this maintenance was to the political advantage of both Britain and India. He expected that the Dominion of India, if it was established, would be anti-British and that the existence of a friendly Hyderabad would strengthen the Imperial position. He pointed out that the ceded districts had been handed over in return for protection and could not be transferred to any other authority without consent. In his view it was desirable both politically and strategically for the Crown to retain some area of control in India and made comparison between the position of Hyderabad in India and the Sudan vis-à-vis Egypt. He stated that Hyderabad was economically and historically a stable unit and it was desirable to strengthen this stability by giving the State an outlet to the sea. This claim was strengthened by the terms of the 1802 Treaty regarding Masulipatam, but the present proposal was to approach the Portuguese Government with the object of purchasing the port of Goa. The State was anxious to elicit the support of His Majesty's Government for this approach and hoped that the Crown Representative would recommend it.

4. In reply to the Nawab's statement the Political Adviser suggested that any such approach to His Majesty's Government would be unfortunate. It would be interpreted as an attempt to strike a bargain in advance of forthcoming constitutional discussions, whereby Hyderabad would be placed in a position to stand out of an all-India scheme. This could hardly be viewed with favour by His Majesty's Government, whose main object was to transfer all such negotia-

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tions to India and whose main hope was that this would lead to an all-India constitution. The proposal would be bound to leak out if any approach was made, and the reactions in India would be serious. The Congress would interpret it as an attempt to disrupt India and to secure a permanent hegemony of a Muslim minority over a Hindu majority. The communal dangers were obvious. Whether such a move would be supported by the Muslim League was open to question, since it would weaken their case in regard to Kashmir, where the Muslim majority was a more intimate concern of Pakistan. The proposal would certainly antagonize general Indian opinion, since it would be interpreted as an attempt on the part of the British Government to implement a policy of *divide et impera*. Even from the economic aspect the mere purchase of Goa would hardly be adequate to secure the State's economic security, since some corridor concession for imported goods might be involved, and this would be difficult to perpetuate against a hostile Central Government: whereas, if bonded imports were contemplated, some agreement would be required about customs revenue, which would not be easy to secure or to guarantee.

5. The Nawab had a subsequent interview with His Excellency the Crown Representative, who discouraged the proposal on similar lines; and at a subsequent talk with the Political Adviser the same points were emphasised again.

Yours sincerely,

C. G. HERBERT

NOTE

Nawab Sir Ahmad Said Khan of Chhatari, President, Executive Council, Mr C. A. G. Savidge, Officiating Revenue Member and Nawab Ali Yavar Jung Bahadur, Constitutional Adviser, had a talk with the Hon'ble the Resident at the Bolarum Residency on Tuesday, the 4th September 1945, on the subject of an outlet to the sea for Hyderabad.

2. With reference to the Commercial Treaty of 1802, and the rights of the State under that Treaty, they mentioned that the decision not to refer the interpretation of Article 3 to an impartial Judicial Tribunal had caused much dissatisfaction to the State which believed that the procedure it had urged was only fair, specially as the issue was of a justiciable nature.

3. With the termination of the war changes were likely in the constitution of India which were bound to affect the State. They said that Hyderabad was resolved to maintain its direct relations with the Crown, while remaining on friendly relations with its neighbours. The State believed that only thus could it secure its independent existence as an entity and be a continued link in the British connection as well as of assistance in the maintenance of stability in

[1] Vol. IV, No. 20. [2] Not printed.

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India. It must for that purpose, however, ensure its political and economic integrity. Its views on the former have already been communicated in its letter No. 633-CC,[3] dated 20th December, 1942. So far as economic integrity is concerned, the question depended upon the State securing an outlet to the sea. If it succeeded in securing an effective outlet its economic future would be assured and the dispute under Article 3 of the Commercial Treaty of 1802 would be automatically settled.

4. Sir Ahmad Said Khan stated that he desired an opportunity to discuss Hyderabad's point of view in the matter with the Political Adviser and, later, with His Excellency the Crown Representative. He suggested that the first week of October would be suitable for the purpose as he would then be proceeding to Delhi to attend the meeting of the National Defence Council. He desired to secure the sympathy and assistance of His Excellency and of the Political Adviser in seeking the good offices of His Majesty's Government for the acquisition of the sea-port, if necessary, outside British India. Adjustments might possibly be required with British India and could be discussed at a later stage with representatives of the Central Government.

5. Sir Ahmad Said Khan added that as Faithful Ally of the British Government with his own and the State's record of services to his Ally, to the Empire and to India, His Exalted Highness felt that Hyderabad could rely on His Excellency's sympathy and support and on the fullest consideration being given to the State's future.

[3] Vol. III, No. 286.

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Sir T. Rutherford (Bihar) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/180: ff 61–3

D.O. No. 499 (a) – G.B. *22 October 1945*

2. I took the opportunity of Dr. Rajendra Prasad's visit to Ranchi to ask him to come and see me, which he did today and we had a two hours' talk.

(a) I asked him whether there was any chance of his taking Chief Minister's post with a light portfolio. He said no, and probably he would not stand for either Provincial or Central Legislature.

(b) I made suggestions to him regarding increase of number of ministers and abolition of parliamentary secretaries. He said he was responsible for there being only four ministers in the last ministry and admitted the work was too much for them. He asked me to let him have cost of Advisers and staff as compared with that of ministers, parliamentary secretaries and their free houses and free cars. I agreed.'

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(c) I asked him whether he would not use his influence to tone down the speeches now being made and the attacks on Government officers as, in my opinion, whatever the intentions of Congress leaders, they were likely in this inflammatory province to produce a situation in which one spark might set the province or parts of it ablaze again, and I would wish to be able to avoid the necessary steps and probably increased bitterness. I further pointed out that the time might come when the Congress would themselves need a reliable police force and magistracy, and the present policy was not in their own ultimate interests. He accepted my assurance that H.M.G. were in earnest in their endeavours to find a solution of the Indian problem—he did not believe they were when Mr Churchill and Mr Amery were in power—but feared they were likely to allow Jinnah and the Muslim League to hold back progress again. He said that the Congress had no intention of stirring up trouble at present, but their anti-Government attitude was due to their disgust with the way the Simla Conference had been allowed to be sabotaged by Jinnah after their ready co-operation with your Excellency. He thought the formation of a Constituent Assembly from representatives of the Provinces was a good idea provided it was made clear that Muslim Leaguers would not be allowed to stymie the proceedings. He argued that the speeches I complained about were the outpourings of genuine feelings about 1942 oppressions hitherto suppressed and were not a glorification of 1942 violence, and was inclined to whitewash the excesses of the mobs. He quoted me cases of houses of absconders in his own area having been deliberately and unnecessarily burnt down. Feelings of the common people in the affected areas were, he said, still very bitter against Government and their officers. I found him, on the whole, inclined to take the attitude that Congress and their supporters could do no wrong. He alleged that a number of the dacoits who linked up with Siaram Singh and others had been deliberately let loose from Banka sub-jail in 1942 to give an opportunity for blackening the Congress movement! He said he would like to have a copy of our indictment against Siaram. Eventually he agreed to discuss with Sri Krishna and others the policy to be pursued in regard to speeches.

(d) I then asked him if he had anything to "shoot" at me. He said he had seen a Government communiqué about public meetings no longer requiring permission but objected to notice still being required. I said that was mainly with a view to preventing communal trouble. Whereupon he contended that such notice should be required only in certain specified areas. He admitted his request was mainly one of prestige. He was also very strong on the release of detenus. I told him of my personal examinations and that I found it very difficult to release men—120 in a population of 36 million—who had a considerable record of

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terrorism and plotting, while the Congress was to all intents and purposes inciting to further outbreaks. He would not admit that the Punjab Mail derailment was political.[1] A minor matter was certain Congress institutions which he said were not yet handed back. I will look into this.

In the course of the discussion he claimed that he had wholeheartedly tried to prepare the way for mass civil disobedience in 1942 as the Congress thought that if a national government was in power they could, with the Indian Army and the resistance of the masses, put up a better show than the British against the invading Japs. I had previously been led to believe that he supported this policy only out of blind allegiance to Gandhi. There was no idea, he asserted, of wanting to make peace with Japan.

(e) He expressed his gratification rather naively at the big crowds that gathered to see and hear him.
(f) His last words were "Why are you leaving us?".

Although our conversations were quite friendly, he seems so satisfied that there are no "wild men" in the Congress fold that I have not much hope of my appeal to reason having any real effect.

[1] On 23 November 1944 the Punjab Mail was derailed near Arrah in Bihar causing the death of eight passengers and many injuries.

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Sir E. Jenkins to Mr Turnbull

L/WS/1/1577: ff 111–12

SECRET THE VICEROY'S HOUSE, NEW DELHI, *23 October 1945*
No. 1141
My dear Turnbull,
H.E. thinks that the Secy. of State might be interested in the enclosed account of an interview between Capt. Hari Badhwar, a returned prisoner or war, and Mr Asaf Ali, a member of the Congress Working Committee who lives in Delhi and formerly represented Delhi in the Central Assembly. Mr Asaf Ali is a member of the I.N.A. Defence Committee and is taking a prominent part in the preparations for the defence of the accused.

Yours sincerely,
E. M. JENKINS

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Enclosure to No. 160

SECRET

D.D.M.I.(S)

Captain BADHWAR's name NOT to be disclosed.

Captain HARI BADHWAR, 3 Cav., returned P.W., informs me that on 18 Oct '45 he had a 3½ hours' conversation with ASAF ALI, member of the Congress Working Committee, and that he gave the latter a full account of the I.N.A. and their brutal treatment of loyal Indian P.W. He opened the conversation by asking A.A. what the Congress expected of the Services when a National Government assumes power, i.e. did they intend to promote faction and communal feeling. A.A. replied that they expected patriotism in the Services but intended to keep them free of politics.

2. HARI BADHWAR then proceeded to give the true story of the I.N.A. from the point of view of one of those who had suffered. A.A. listened with close interest and at the end, in general conversation, he stated:—

(a) Congress leaders had realised that those who joined the I.N.A. were far from innocent; that NEHRU's speeches and statements on the subject always included a qualifying phrase or sentence to this effect, e.g. "Whatever errors and mistakes they had committed . . ." and, "misguided men", etc.

(b) Before committing themselves to public statements Congress leaders had however asked him (ASAF ALI) to tour the country and find out public feeling. He had done so, from South to North, and found, as he moved North, opinion stronger and stronger that the I.N.A. must not be punished for their actions, but should be released. This inflamed feeling forced Congress to take the line it did.

(c) In the light of information now available, however, if Congress was in power it would have no hesitation in removing all I.N.A. from the Services and even in putting some of them on trial, and when they eventually did assume power they would certainly remove any remaining.

(d) That if Govt now postponed trials Congress would be prepared to put leaders on trial when in power. When asked if Congress leaders would announce this officially ASAF ALI said they could not do so though there was no objection to H.E. the C.-in-C. being informed.

3. HARI BADHWAR then asked ASAF ALI if, now that Congress knew the true facts, the leaders could not repudiate their championship of the I.N.A.; that they could well withdraw as they were not in a position to know these facts earlier. To this ASAF ALI admitted that they dare not take this line as they would lose much ground in the country. (Comment. In other words, the

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present policy is one of political expediency which is, I think, well known. T.W.B.)

4. On the 19th Oct, HARI BADHWAR endeavoured to see NEHRU but the latter's engagements, including his interview with the accused in the Red Fort, were heavy. When he eventually did go to NEHRU's residence he found a crowd outside, including, he was told, some discharged members of the I.N.A. As he was in uniform he did not wish to risk a scene so came away.

T. W. BOYCE,
Brigadier,
DDMI (S)
22 Oct '45

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Cabinet

India and Burma Committee. Paper I.B.(45) 18

L/WS/1/1577: ff 133–4

TREATMENT OF INDIAN AND BURMAN RENEGADES AND COLLABORATORS WITH THE ENEMY

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *24 October 1945*

Since my memorandum of the 20th October, I.B. (45) 16[1] was circulated I have received a further telegram[2] from the Government of India setting out their provisional views on the disposal of the Indian civilian renegades referred to in Annexure II to that Paper.

Out of the comparatively small number recaptured in Europe and the 2,600 rounded up in South East Asia, the Government of India have black-listed 129 persons. Of these the Government of India seem prepared to contemplate the prosecution of only eight about whom sufficient evidence exists of the commission of heinous offences. They are, however, doubtful whether the trial of even these eight would be worth while. Two of the eight, namely Nambiar and Habibur Rahman, are important as broadcasters from Germany. Nambiar was Bose's deputy. The other six operated with the Japanese and are classified as "Important spy traitors".

The arguments which the Government of India give for lenient treatment are briefly that if there are trials it is inevitable that they should be held in public; that popular sympathy in India, where the trials would have to take place, would be with the accused and that even if convictions could be secured, which is

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doubtful, pressure for remission of sentences would be great and the convicted persons would certainly be released by Congress Governments if they come into power later. Apart from Subhas Bose if he is alive, few of those on the list are at present well-known in India. The advantage of trying them would be small and would give them fictitious importance.

In the case of all or nearly all whom it is decided not to prosecute the Government of India prefer that there should be no compulsory repatriation. They "see no advantage" in it and think that the men will do little or no harm in the countries where they have been apprehended. If they are brought back and left at large in India they would inevitably increase the number of those whose object it is to upset the existing government by force. Those who have been in touch with the Indian National Army as many of them have, will be particularly dangerous in view of the large number of members of that force who are being released.

The Government of India are sending us final recommendations in detail later. The matter has not yet been considered by the Viceroy's Council, and discussion of it will be delayed until I reply to the Viceroy's telegram after discussion with my colleagues.

P.-L.

[1] No. 154. [2] 8951 of 20 October. L/WS/1/1577: ff 140–1.

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Lord Pethick-Lawrence to Sir S. Cripps

L/P&J/8/471: f 83

INDIA OFFICE, *24 October 1945*

My dear Stafford,

Thanks for your 2 letters of Oct. 22.[1]

I had already got Nye on a list of possibles for Madras but am glad to hear your recommendation.[2]

With regard to Congress socialists I have been going into this matter for some time past. The position seems to be this. There is no longer a *central* ban and it only exists in 3 provinces one of which Punjab has representative Govt. The ban when it does exist does not prevent any individual action of members of the party in the elections including standing as candidates provided they do not stand as C.S. Candidates as such.

[1] Nos. 155 and 156.

[2] On L/P&J/8/471 this para. is crossed through presumably because it does not relate to the subject of that file.

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My advisers are now largely technical experts and have little political influence. I don't think Heath could very easily be appointed but I will look into the question of getting forward-looking people when vacancies occur.

PETHICK

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/E/8/3821: ff 162–3

No. 1184–G. THE VICEROY'S HOUSE, NEW DELHI, *24 October 1945*

Dear Pethick-Lawrence,

I have discussed with Sir Ramaswami Mudaliar, Sir Azizul Haque, Sir Ardeshir Dalal, and Sir Archibald Rowlands, your letter of 20th September 1945[1] on the subject of alleged discrimination by the Government of India against British concerns wishing to expand or establish businesses in this country.

2. My colleagues and I are agreed that the Government of India cannot by legislation or executive action contravene the express provisions of the Constitution Act which forbid discrimination against British firms, and that until those provisions are amended or repealed, it must be open to British concerns to expand or establish businesses in India without Indian cooperation, subject to any general restrictions that may be imposed upon British and Indian concerns alike.

3. But we feel that British concerns with interests in India should be in no doubt of the trend of Indian opinion on this subject and should, when opportunity offers, be given to understand that H.M.G. take no responsibility for the consequences of a deliberate disregard of Indian sentiment. We think that if important British concerns insist now on their full legal rights, they may jeopardise the terms of any commercial treaty between H.M.G. and the future Indian Government, and may also forfeit the prospects that they themselves might have under the future Indian Government if they took a more reasonable line now. The policy approved by the Executive Council, which probably does not go far enough for the Central Assembly, is that, so far as possible, financial and administrative control over seventeen basic industries should be in Indian hands, and it is only within this range of industries that there is at present any question of discrimination. As the law now stands, the Government of India can only advise British concerns interested in these basic industries of their views about financial and administrative control; the Government of India cannot place obstacles in the way of British concerns which reject these views, and can merely point out the probable consequences of rejection.

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4. The Government of India intend, as soon as their proposals for the Central control of certain industries take shape and their industrial policy has been agreed with the Provincial Governments, to state again to you their general case for the amendment or removal of the safeguard sections in the Constitution Act. In the meantime they propose to refer for your consideration individual cases in which it appears to them that an important project proposed by a British concern is undesirable from the point of view of India's industrial development.

5. I append a note[2] by Sir Ardeshir Dalal on the four cases dealt with in the enclosure to your letter.

Yours sincerely
WAVELL

[1] No. 118. [2] L/E/8/3821: ff 164–7.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/E/8/3821: ff 157–8

PRIVATE THE VICEROY'S HOUSE, NEW DELHI, *24 October 1945*
No. 1184–G
Dear Pethick-Lawrence,
I am replying officially to your letter of 20th September[1] about commercial safeguards. Of my colleagues, Mudaliar, Azizul Haque, and Rowlands are, I think, satisfied that we cannot go outside the Constitution and that if British concerns insist on acting without Indian co-operation and contrary to our advice, they must be permitted to do so. Dalal is, however, not really convinced, and I enclose a copy of his letter to me of 20th October.[2]

2. I do not think Dalal appreciates the real difficulty, which is that if we use our power of import control to make it impossible for British firms to expand or establish their business in India unless they submit to conditions not applicable to Indian concerns, we are breaking the law, and the fact that we are doing so only in respect of seventeen basic industries does not exonerate us. Dalal's plea reminds me of the girl in Midshipman Easy:

"It was only a very small baby"

On the other hand I agree with a good deal of what he says in his letter about the future. I believe that the desire for Indian control over Indian industry will

[1] No. 118. [2] No. 153.

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grow stronger as long as the present political conditions continue, and will reach its peak shortly after a "political" Executive Council is established at the Centre. Once India settles down to independence, if she ever does so, and there is no further question of *amour propre*, I believe that like most other independent countries, she will not wish to discriminate against foreign enterprise. The main conclusion from Dalal's forecast is that it would be unwise for both parties to be obstinate at the present stage. India needs British help in industry very badly indeed, and British concerns do not wish to lose their Indian connection. If British business men insist on disregarding the advice they are given, the ultimate commercial treaty between Britain and India may be unsatisfactory to them and they will forfeit Indian good will.

3. Dalal has always overstated his case. It seems to me unlikely that any British concern would attempt in present conditions to establish a major basic industry in India without Indian cooperation. Small or highly specialized factories hardly affect the long term position; and if Dalal were content to deal with individual cases on their merits and to make it clear that while Indian cooperation is advisable, it is not essential, I think he would at present find few occasions for alarm. Moreover he still has a difficult task ahead of him here. The whole question of Central control over industry in India is bound up with the political problem, and quite apart from the natural desire of all Provinces to have a fairly free hand in developing their own industries, the Muslims in the Pakistan Provinces believe that their industrial development may be strangled by a Hindu Centre. It was largely for these reasons that the Coalition Government decided not to touch the safeguard sections at the moment, but to consider their amendment if, when Dalal had got further with his plans for Central legislation and had made good his approach to the Provinces, he found that the safeguard sections were a real obstacle to progress.

4. You will see that at the end of Dalal's letter he asks for a definite assurance about His Majesty's Government's intentions before the next session of the Assembly. He is extremely sensitive to opinion in the House and it would certainly help him if something encouraging could be said. I have, however, held out no hope of this as I realise the difficulties at your end. You must be prepared for an acrimonious debate during the Budget Session here, ending with a recommendation for the immediate repeal of the safeguard sections.

Yours sincerely

WAVELL

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Sir H. Twynam (Central Provinces and Berar) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/194: ff 46–8

SECRET GOVERNOR'S CAMP, CENTRAL PROVINCES AND BERAR,
D.O. No. R.51–G.C.P. *25 October 1945*

Dear Lord Wavell,

I have read with particular interest your letter No. 40/7, dated the 18th October 1945,[1] especially paragraphs 4 and 5, with which I am in entire agreement. I am bound to say that I cannot recollect any period in which there have been such venomous and unbridled attacks against Government and Government officers. It is all part of a policy which I saw described in a paper which I read a good many years ago and which is, I believe, based on the history of the Irish revolutionary movement, i.e., never to 'let-up' in the campaign against British rule and never to let the flame of animosity die down until independence is achieved. I, therefore, view the next twelve months with greater uneasiness than I have yet experienced. Much, as you suggest, depends on what the Congress Party intends to do after the elections. On this point, I have before me an interesting report from the Central Intelligence Officer in this Province, dated the 20th October 1945, in which it is recorded that one Jasani of Gondia in this Province, who has just returned from Bombay after meeting Vallabhbhai Patel, has stated that "according to Patel, Congress has no intention of forming a Government at the Centre unless the British Government agrees to impose a settlement on terms dictated by the majority vote of the Central Assembly and that provincial ministries will not be formed in the absence of a Government at the Centre". I should not be surprised if some such deadlock is the next move of the Congress, especially as another report which I have seen indicates that Gandhi is gradually fading into the background, leaving the revolutionary figures of Nehru and Patel in the forefront. A report, which I saw in Calcutta, indicated that even at a meeting of the Working Committee Nehru did not hesitate to tell Gandhi to his face that he was a "Buddha" and that his non-violence and khaddar doctrines were out of date.

[1] Para. 4 of this letter dealt with Congress policy, and more particularly the intemperance of some of its leaders' speeches, following the A.I.C.C. session at Bombay from 21 to 23 September 1945. Lord Wavell felt it was possible that the policy of Congress extremists might be 'to demand immediate changes at the Centre as a condition to the acceptance of office in the Provinces, and if this demand is not conceded, to start a violent mass movement of some kind'. Para. 5 of the letter dealt with the disheartened Services and expressed the view that it should be possible to get through if law and order could be maintained and the political parties were not interfered with unnecessarily. I.O.L. microfilm reel 2447.

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It seems, therefore, that, after the elections, we may very well be in for another attempt to impose an ultimatum on Government followed by further disorders in the event of the ultimatum not being accepted. I agree, however, with your letter dated the 1st October 1945 to Bourne[2] that we shall be able to maintain law and order and I certainly think that it is on the cards that it may again be necessary to abate Congress arrogance and restore the leaders to their former state of mind before it is possible to do business with them. This, in fact, is almost a truism now. However, I think it is all to the good that we shall have got the elections over and shall be in a position to judge the claims of the various parties to represent the views of the electorate.

2. There has been no lack of outrageous propaganda in this Province. Both Shukla, the ex-Chief Minister, and Misra, another ex-Minister, have addressed meetings in justification of the 1942 rebellion. The former described that rebellion as only a rehearsal of the real struggle to come while the latter espoused the cause of the Indian National Army. I fully agree that the maximum degree of clemency possible should be shown to these misguided people. There is the widest possible interest in their fate, especially the fate of the officers, among the intelligentsia. Personally I hope that there will be few, if any, executions because, firstly, allowance should be made for the extreme repugnance which is felt by the class which is chiefly represented in the Congress for death sentences generally and, secondly, it can again be plausibly argued that these people were actuated by patriotic motives. Any who may suffer the death penalty will be glorified as martyrs in the national cause and their execution must recoil to our disadvantage in the long run. I cannot, therefore, see that we shall gain anything by executions.[3] On the other hand, I should feel no hesitation whatsoever in imprisoning all who are potentially dangerous and who are found guilty by Court Martial. I do not know what the figures are but I should imagine that the potentially dangerous could be reduced to a few thousands. I sincerely hope that these will not be let loose on the countryside, in the almost certainty that they will be adopted and made use of by Nehru and Patel, at any rate, until Congress has shown whether it intends to proceed constitutionally—a somewhat unlikely outcome, I fear—or is again showing its teeth. Such persons would be especially dangerous, both morally and practically, as active opponents to the police force and their presence in support of Congress demonstrations must necessarily cause misgivings in the minds of the ordinary constables whether they were not backing the wrong horse.

The Congress are working all out to produce an atrocity record for the purpose of discrediting British rule and Shilbhadra Yajee, Vice-President of the Forward Bloc, addressed a meeting at Nagpur on the 5th October in which he described the "burning hell and living death" of his life in detention at the Red Fort at Delhi; he is said to have moved his audience to tears. I am hoping

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that it will not be long before a rejoinder is issued by the Home Department. I am myself contemplating the issue of a denial of the findings of the local Mahakoshal Atrocities Enquiry Committee which have been published in Shukla's organ, the *Nagpur Times*, of the 20th October last in the form of a press interview given by Seth Govinddas, the Committee's President, to a United Press correspondent. The *Nagpur Times* gives an account of the interview under the heading "British Brutality in Betul"—the district concerned—and openly accuses Hewetson, one of my Forest Officers, of wishing to bury alive one of the persons concerned in the serious August 1942 disturbances in Betul. It also insinuates that Hewetson himself ordered firing whereas it is fortunately on record in my files that the firing was ordered by the Deputy Commissioner himself. This took place after a forest timber depot had been set alight and rail communications along the Grand Trunk line had been seriously interfered with. I have called for a draft of a press note which I am thinking of issuing and am also considering the possibility of a suit for damages by, or on behalf of, Hewetson. I have been advised that action under the Press Act or action for criminal libel would have little chance of success in view of the known attitude of certain Judges of our High Court.

[2] Ibid.

[3] Sir D. Monteath minuted in the margin at this point: 'The Army which looks at things thro[ugh] different spectacles may take a different view.'

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Mr Menon to Sir E. Jenkins

R/3/1/108: ff 3–6

TOP SECRET NEW DELHI, *25 October 1945*

D.O. No. R.190/45

My dear Jenkins,

Interim arrangements at the Centre pending the framing of a Constitution.

When we discussed the above subject a couple of days back, you wished me to submit for H.E.'s consideration the various alternatives for the formation of an Executive Council at the Centre. This letter is written in pursuance of that suggestion.

2. The formation of a new Executive Council made up of the representatives of political parties was the primary purpose of the Simla Conference. The communal composition of the Council, the constitutional limitations within which it would work and its main functions were laid down in H.E.'s announcement of the 14th June,[1] all these were accepted by the Conference, but it failed

[1] Vol. V, No. 508.

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to reach agreement as to the manner in which, within the limits of the prescribed communal parity, representation was to be shared by the parties, and the attempt had to be abandoned for the time being. But in his concluding speech at the Conference,[2] H.E. said that he would persevere in his efforts for India although he could not at the moment see his way clear as to the next step.

3. In his announcement of the 19th September,[3] H.E. said:

> "During these preparatory stages, the Government of India must be carried on and urgent economic and social problems must be dealt with. Furthermore, India has to play her full part in working out the new world order. His Majesty's Government have, therefore, further authorised me, as soon as the results of the Provincial elections are published, to take steps to bring into being an Executive Council which will have the support of the main Indian parties."

4. The general enthusiasm which H.E.'s first announcement aroused was undoubtedly due to the opportunity which it promised to the political parties to share in the Government at the Centre. There can be no doubt that the failure of the attempt gave rise to genuine disappointment both among Congressmen and among the members of the Muslim League: in fact many members of the League have told me of their disappointment. Whatever their differences in other respects, there is unanimity of feeling among all the parties about the desirability of acquiring power at the Centre, and I venture to think that the success of the proposed Preliminary Conference with representatives of the Provincial Assemblies will depend upon the early formation of a new Government at the Centre. It is not too much to say that the political parties look upon our performance in this matter as the test of our good faith. From our own point of view, the participation of the Congress in the administration will allay a good part of our anxieties in the matter of law and order. The frustration of their political ambitions is at the root of Congress discontent, and there is nothing like the responsibility of office to bring in soberness into their outlook. There is a passage in the D.I.B.'s weekly summary to the effect that the Congress Working Committee is now inclined to adhere to the method of negotiation and to attempt direct pressure only as a last resort. This confirms the impression which I have gathered from other sources. Besides, the circumstances which made it necessary for H.E. to put forward the proposal in June still operate, and have if anything only become more pressing with the end of the war.

5. In view of the importance which political sentiment attaches to the question of a share in power at the Centre, it is necessary for us to choose our next step with particular care, for it is a literal fact that we cannot afford another failure. If H.E.'s latest announcement has not been greeted with enthusiasm in

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political quarters, the main reason is the experience of the Simla Conference which has tended to dampen optimism. In our next approach we are not tied down to any rigid commitment about all-round agreement as at Simla, and we should adopt a procedure which, while leaving it open to all parties to co-operate, will enable us to go ahead if any particular party is recalcitrant.

6. The simplest method of forming a new Executive Council would be the method of individual selection by H.E. After the Simla Conference, we already know the attitude of the various parties, and in most cases what names will be acceptable to them. H.E. could therefore proceed on the basis of the list which he prepared at Simla, with perhaps a few modifications. The essence of this method is that we shall be proceeding on the basis of individuals and not of parties. The parties may be expected to recognise that another Conference for this purpose would be a waste of time and may therefore acquiesce in this procedure. The actual method adopted could be either

(1) for H.E. to complete his selections on paper before contacting the persons selected, or
(2) for H.E. to get into touch with them either personally or by correspondence before fixing up the final team.

Of these I am inclined to think that the second method might give better results as it is not only more tactful, but will give us less trouble if any particular person prefers to stay out.

7. If we choose this method we shall, of course, have to adhere to the principle of parity. Parity as proposed at Simla is an essentially sound principle; although after Simla we are not committed to parity, it would not be practical politics to abrogate it. Our greatest difficulty if we adopt this procedure is, as may be expected, on the question of Muslim representation. Having decided to hold up the formation of the new Central Government till after the elections, the allocation of the Muslim quota will have to be decided on the basis of the showing which the League makes at the elections. If the League comes out successful in the elections and is in a position to form Governments of their own in the Muslim majority Provinces, we shall probably have to accept their claim to nominate the whole Muslim bloc. But we have also to reckon with the possibility that a Muslim League flushed with victory will no longer be content with the right to choose all the Muslim members, which they would have accepted at Simla. Demands may be pressed for a higher proportion of representation, for special veto rights, and possibly for an immediate assurance about Pakistan, which it will be impossible to concede, and our last position may then be not much better than our first. If, on the other hand, the Muslim League does

[2] See Vol. V, No. 600. [3] No. 116.

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not come out successful, our task will be very much simplified. My own reading of the position is that the chances of the Muslim League forming their own Governments are certainly not very bright, at any rate in the North-West Frontier Province and the Punjab.

8. The chief argument in favour of the above method of forming the Executive Council is that it is expeditious—a consideration of psychological importance in the present atmosphere. If we adopt it, we can proceed straight from the point at which we left off at Simla without the need for any further negotiation or formality of procedure. By the end of March, the elections in the Muslim majority Provinces will be over, and as soon as the Central budget has been passed we shall be able to make up the new Government. Nor can the parties object to H.E. taking the next step without further consultation with them, for in the absence of a general agreement there is really no other way.

9. The second alternative method is to proceed on the basis of Provincial selection, following in the main the suggestion made by Rajagopalachari both at the Simla Conference itself and later. The proposal is that after the new Provincial Governments are formed as a result of the elections, each of them should be called upon to suggest one name for the Executive Council. H.E. would automatically accept these names and recommend them to His Majesty. One danger with this method is that the minority communities might get no representation at all, or no real representation, through Provincial nominations, and H.E. will therefore have to reserve to himself the right to add further names to give representation to minority communities.

10. If we follow this method, we avoid the difficulty of communal quotas and parity, and acquire a logical basis on which to erect the Central Government. Further, since the Central Government is in essence a Federation of autonomous Provinces, the new Central Government will provide a nexus with the Provinces which is so desirable for the efficient working of our post-war development schemes. On the other hand, H.E.'s right to make a positive act of selection, on which we insisted at Simla, will be practically abrogated; and it will be difficult to ensure that we shall have a team which will work harmoniously together.

11. The third method is to follow the principle of the Simla Conference, and, when the representatives of the Provincial Assemblies meet H.E. after the elections, to consult with them about the method of forming a new Central Executive. Failing a change in the situation in the meanwhile, of which I cannot at present see any possibility, the chances are that the history of the Simla Conference will be repeated. Another objection is that this method will mean delay. I am therefore personally not in favour of adopting this method which indeed I have mentioned only to complete the picture.

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12. A fourth alternative that suggests itself is this:—

As soon as possible after the next general elections to the Central Legislative Assembly, a joint session of the Assembly and the Council of State should be summoned and they should be asked to elect a panel of 20 of whom 7 shall be Hindus, 7 shall be Muslims, 2 Sikhs, 2 members of the Scheduled Castes and 2 members of other minorities. It may be made clear that the persons to be elected to the panel need not be members of either House. The election must be by the non-official members of the two Houses, officials taking no part. When the panel has been elected, the names will be submitted to H.E. who will then select from amongst the panel the requisite number of Executive Councillors.

13. The merits of this plan are:—

(i) that no party can hold up the plan by non-co-operation;
(ii) that the team selected, though not responsible to the Legislature, will be representative of the Legislature; and
(iii) that H.E. will have a voice in the final selection, but his task will be made very much simpler by the fact that a panel had already been elected for him.

The voting at the election of the panel must be by ballot so that no one may know how any particular member has voted. It will probably be possible to hold the election by the method of "proportional representation" so that every substantial group in the Legislature will be fairly represented in the panel. The communities who are not sufficiently represented in strength to make sure of getting a nominee of their own in the panel can do so by combining with some of the nominated non-officials or Europeans and make certain of sufficient first preferences for securing their own nominees. These details can be worked out later once the general plan is approved. It may be mentioned that the method of proportional representation is not unknown to the members of the Legislative Assembly because that is the method by which members of the Public Accounts Committee have always been elected in the past.

This plan would in fact be an adaptation to present Indian conditions of the Swiss system for which Mr. Amery had a preference. Each Councillor will feel that he owes his position to the entire Legislature and not to any particular party. In this way it will tend to reduce communal feeling and also the power the party wields outside the Legislature in the sphere of actual administration.

14. My own personal preference is for the fourth and first methods—in that order. The points in favour of the fourth are that it is an orthodox constitutional method which is practised elsewhere and that the suggested procedure gives its proper influence and function to an existing constitutional organ, the Central Legislature, which we have rather tended to neglect in the past. Since in the

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future constitutional discussions the emphasis will inevitably be on the Provincial principle, it may be as well to have, during the transitional stage, a counter-agent in the form of a Central Executive selected on an all-India basis. This is in effect the Simla plan and we shall probably be giving it a more orthodox basis by associating the Legislature with the selection of the panel.

15. I had some discussion with Corfield regarding the position of the States in an interim Constitution. After careful consideration I am of opinion that, while the States should be brought in for discussion in connection with a permanent Constitution, we should not introduce the problem of the States in connection with the formation of the interim Central executive. Any such move will be criticised both by the Congress and the Muslim League.[4]

Yours sincerely,

V. P. MENON

[4] Sir E. Jenkins sent this letter to Lord Wavell on 25 October with the comment: 'This is from Menon. He had not thought of his *first* course. It is Y.E.'s own suggestion, & I put it tentatively to him without saying it was yours. I agree that Menon's *first* and *fourth* are the best but I doubt if Jinnah would stand for the *fourth*, & I prefer the first'. Lord Wavell minuted on 26 October: 'Yes, I think on the whole I prefer the first course, though I am very doubtful whether it would succeed. I think we may have our hands forced from one side or another before next spring. There is nothing to be done at the present, is there?' Sir E. Jenkins replied the same day: 'Nothing: I will acknowledge.'

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/P&J/8/532: ff 24–6

SECRET THE VICEROY'S HOUSE, NEW DELHI, *25 October 1945*

No. 592/14

My dear Pethick-Lawrence,

You will remember that on 11th September the India Committee discussed with me a number of points on which decisions will be needed before we resume our attack on the constitutional problem next spring.[1] One of these points (paragraph E of the minutes in paper I.B. (45) [13] of 11th September)[2] concerned head (c) in the Draft Declaration of 1942. The Committee agreed that the decision of a Province to vote itself out of any new Constitution could not be taken, as Mr. Jinnah seemed to think, on the vote of a single community, but must be based on the vote of the people of the Province as a whole. There was some doubt about the method of taking such a vote—you thought it would have to be confined to the provincial electorate, while Cripps considered that a plebiscite of the entire adult population would be preferable. It was

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suggested that we might make it clear that Jinnah's claim for a purely Muslim plebiscite was not acceptable to His Majesty's Government, and that I might deal with this point in my broadcast. Some of the members were, however, doubtful about this, and I agreed with them. I thought that if Jinnah's claim in fact caused serious misunderstanding, I might make a statement about it later on some suitable occasion.

2. The Muslim League are preparing to fight the elections, both Central and Provincial, on the Pakistan issue, and their speakers have made it clear that by Pakistan they mean in the North-West the present Provinces of Sind, Baluchistan, the North-West Frontier Province, and the Punjab; and in the North-East the present Provinces of Bengal and Assam. In view of Jinnah's repeated statements that the decision of any Province to join Pakistan is to be based on a plebiscite of the Muslims only, the minorities in the Pakistan Provinces believe that if Jinnah's definition of Pakistan is accepted, they will be compelled to become subjects of a Muslim State. During my recent visit to the Punjab I found considerable uneasiness about this, especially as the attitude of the Muslim League seems to be that the forthcoming elections will decide the matter once and for all, and that when they are over, Pakistan will become an immediate reality.

3. I have considered carefully the desirability of making a statement to reassure the minorities, who, in the absence of some comfort of this kind, may become dangerously heated. The decision is not an easy one, because the discussions which I am to undertake after the elections are to be based on the Draft Declaration of 1942, and it would clearly be most unwise to say anything now which appears to modify it. In so far as the Muslim League contemplate the separation from the rest of India of the Muslim majority Provinces as they stand, they are within the terms of the Draft Declaration. They can say that the Draft Declaration gave any Province of British India the right to reject the new Constitution, and that their plan is simply that the Muslim majority Provinces should exercise this right. On the other hand, the suggestion that the right will be exercised by the Muslims alone without reference to the wishes of the other communities is not founded on anything in the Draft Declaration, and, as the India Committee held, is entirely unacceptable. I think that it would be a good thing to make it clear now that His Majesty's Government cannot agree to the future of any Province being decided by the vote of a single community. I realise that any announcement of this kind will be treated by the Muslim League as directed against them, and may prejudice Jinnah's attitude to the discussions after the elections. But if H.M.G.'s position on this particular issue is not defined, Jinnah might well say after the elections that we had let him go

[1] See No. 105. [2] No. 101; the date should be 9 September.

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to the electorate on a false assumption which we had not troubled to correct, and that the Muslim League had been treated unfairly.

4. The best way of making an announcement of the kind I suggest might be a reply to an arranged question in Parliament on the following lines:—

To ask the Secretary of State for India

Whether, with reference to head (c) in the Draft Declaration of 1942, which is to be the basis for further discussions between the Viceroy and the political parties in India after the forthcoming elections, it is the intention of His Majesty's Government that the right of any Province to refuse to accept a new Indian Constitution should be exercised by the vote of a single community in that Province.

Reply

It is not the intention of His Majesty's Government that the right referred to should be exercised by the vote of a single community.

A reply of this kind does not commit us to any modification of the terms of the Draft Declaration or to any definition of the boundaries of Pakistan. It merely states that we do not intend that the constitutional future of any Province should be determined by any one of the communities.

5. I shall be glad to know what you think of this suggestion, which you will presumably discuss with the India Committee. If you accept it, I recommend that the question be put and the answer given as soon as possible. It will then be unnecessary for me to make any statement here—the first convenient occasion for doing so would probably be my speech to the Associated Chambers of Commerce at Calcutta in December, and this would be too late to reassure the minorities before the elections to the Central Assembly take place.

Yours sincerely,

WAVELL

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Cabinet

India and Burma Committee. I.B. (45) 6th Meeting

Those present at this Meeting held at 10 Downing Street, S.W.1, on 25 October 1945 at 12 noon were: Mr Attlee (in the Chair), Sir Stafford Cripps, Lord Pethick-Lawrence, Miss Ellen Wilkinson, the Earl of Listowel

Also present were: Mr G. H. Hall, Mr A. Henderson; Mr E. A. Armstrong and Mr J. P. Gibson (Secretariat)

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Minute 1

L/WS/1/1577: ff 128–32

TREATMENT OF INDIAN AND BURMESE RENEGADES AND COLLABORATORS WITH THE ENEMY

The Committee had before them I.B. (45) 16 and 18—Memoranda by the Secretary of State for India.[1]

THE SECRETARY OF STATE FOR INDIA said that he had felt it to be desirable to bring this matter before the Committee because the treatment of Indian and Burmese traitors could not be considered separately from the treatment of offenders of British nationality in other British territories and in Europe. The main issue was the degree of clemency which His Majesty's Government should be prepared to concede. The question of the Burmese renegades was the simplest and could be dealt with, to a considerable extent, as a separate issue. The two principal offenders were Ba Maw and U Saw. All others were of much less importance. Since circulating I.B. (45) 18, he had received a telegram from the Governor of Burma expressing the view that the only case in which a prosecution would be justified was that of Ba Maw.

Of the Indian civilian renegades recaptured in Europe and the 2,600 rounded up in South East Asia the Secretary of State for India said that the Government of India had blacklisted 129 persons, of whom they contemplated prosecution in only eight cases, two in respect of broadcasting from Germany. As regards offenders rounded up in Europe, the Government of India's view was that it would be undesirable and embarrassing to send these people back for trial in India.

The general feeling of the Committee was that there was much to be said in support of the view of the Government of India as regards the treatment of offenders rounded up in Europe.

The Secretary of State for India said that the number of Indian military offenders involved was 20,000. When the Viceroy last visited this country the understanding was that lenient treatment would be meted out to those categories which the Government of India had classified as "grey", i.e. those who were not fundamentally and incurably disloyal. There remained about 1,000 persons whose cases were being investigated with a view to their being brought to trial. It was estimated that death sentences might be imposed and executed in approximately 50 of these cases. The Secretary of State for India said that he had had discussions with the Secretary, Military Department, India Office, (General Mayne), and the Chief of Staff in India, (General Swayne). They concurred in the Viceroy's view that if the death penalty was imposed it should be commuted in all cases, even where the offenders had joined forces against us, except

[1] Nos. 154 and 161.

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in cases where they had been guilty of causing the death or ill-treatment of British or Allied subjects in or out of battle. The Secretary of State said that there was a disposition on the part of certain Indian politicians to martyrise the offenders but he thought that political agitation could be kept within bounds if death sentences were only to be executed as suggested above.

Indian Military Offenders

In reply to a question by the Prime Minister as to whether the Commander-in-Chief had made definite recommendations in favour of the proposed lenient treatment of military offenders, THE SECRETARY OF STATE FOR INDIA said that he understood that before putting forward the proposals summarised in I.B. (45) 16, the Viceroy had consulted with the Commander-in-Chief.

Discussion then turned on the question whether the Commander-in-Chief should be asked for an explicit statement of his views. The following points were made:—

(1) THE SECRETARY OF STATE FOR INDIA considered that the fact that the Viceroy had consulted with the Commander-in-Chief should be regarded as sufficient evidence of the views of the Commander-in-Chief. Furthermore he understood that General Swayne in expressing concurrence with the Viceroy's proposals, was doing so on behalf of the Commander-in-Chief. He (the Secretary of State) understood that the principle of leniency had already been accepted and the Viceroy's proposals had been worked out on this basis.

(2) It was suggested that in determining the issue of clemency in regard to military offenders, account should be taken not only of the immediate effect on loyal members of the Indian forces, but also of the more remote consequences on the loyalty of the Indian Army to the Government of India after India became self-governing. It was argued that an army, whose attitude was coloured by the feeling that disloyalty would not be visited with severe penalties, might the more readily lend itself to action subversive of the Government. Moreover although a great many of the offenders might well have been influenced by the same kind of political motive as had inspired e.g., the Indonesian Independence Movement, on the other hand it was a serious matter when a commissioned officer, whatever his motives, broke his oath of loyalty. To condone such action now might have incalculable consequences for independent Indian Governments in the future. For these reasons it was desirable that in determining whether our policy should be one of clemency or otherwise, we should be guided by a specific appreciation from the Commander-in-Chief.

(3) *There was general agreement* that the main issue was as to the cases in which the death penalty should be imposed and executed. *The general feeling of*

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the Committee was that a logical distinction could be drawn between those who had been instrumental in causing the death or ill-treatment of British or Allied subjects and those guilty of lesser offences, and that the death penalty could be justified in the case of the former.

(4) THE SECRETARY OF STATE FOR THE COLONIES said that whatever was decided with regard to India and Burma, similar action would have to be taken with regard to Malaya. Only a small number of persons were affected in Malaya, but full details were not yet available.

Treatment of Indian Civilian Renegades

The Committee turned to a consideration of the principles which should govern the trial and punishment of Indian civilian offenders. The following were the principal points raised in discussion:—

(1) *It was generally agreed* that the only civilian renegade of importance was Subhas Chandra Bose.

(2) On the question whether Indian renegades rounded up outside India should be brought to India for trial, it was pointed out that it was part of the general arrangements for dealing with War Criminals that they should be taken back for trial to their own country. It was suggested, on the other hand, that consideration might be given to the possibility of civilian offenders being brought before Army Court Martials in non-Indian territories, following the procedure adopted in Europe.

(3) It was agreed that a clear distinction should be drawn between civilian offenders and military offenders, particularly so far as persons of lesser importance were concerned. If greater leniency were to be shown to civilians than to soldiers, it would emphasise the fact that it was no part of our policy to punish unduly genuine adherents of the cause of Indian national independence.

Treatment of Burmese Civilian Renegades

It was suggested that no action should be taken in the case of offenders of minor importance. The principal offender, Ba Maw, could best be dealt with if the Governor, by executive action, were to deprive him of his political rights. Similar action might be taken in the case of U Saw, and if it were taken there would be no objection to his return to Burma.

There was general agreement with this suggestion.

Conclusions

The conclusions of the Committee were as follows:—

Indian Civilian Renegades

(i) It was agreed to accept the view of the Government of India that offenders rounded up in Europe should not be repatriated but, having

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served a period of imprisonment, should be released in the countries where they now are.

(ii) As regards civilian offenders rounded up in South East Asia as elsewhere, the Secretary of State for India was invited to consider whether it would not be appropriate to try them on the spot by Military Court Martial on the lines followed in Western Europe.

Indian Military Offenders

(iii) The Secretary of State for India was invited to obtain an appreciation from the Commander-in-Chief, of—

(a) the immediate effect of the proposals contained in I.B. (45) 16, Annexure I on the Indian Army;

(b) the more remote consequences of these proposals on the Indian Army of the future in its relationship to the Government of a self-governing India.

Burma Civilian Renegades

(iv) It was agreed that no action should be taken except in the case of Ba Maw and U Saw. The Secretary of State for India was invited to consider, in consultation with the Governor of Burma, the suggestion that the most appropriate course of action would be to deprive them, by executive action of the Governor, of their political rights.

Minute 2

L/P&S/13/1827: f 382

OBLIGATIONS TO THE INDIAN PRINCES

The Committee had before them I.B. (45) 14, Memorandum by the Secretary of State for India.[2]

THE SECRETARY OF STATE FOR INDIA explained that the paper dealt with the questions whether and in what way effect might be given to the suggestion made by the Viceroy in discussion with the Committee that a frank statement should be made to the Princes of the manner in which His Majesty's Government would feel bound to interpret their treaty obligations to the Indian States in the altered circumstances of a new Indian constitution. The paper indicated in outline the kind of *statement* which the Viceroy might make after the elections and the nature of the *discussion* which he should hold beforehand with the more important Rulers and Dewans.

THE PRESIDENT OF THE BOARD OF TRADE thought that the Committee should see the draft of any statement which the Viceroy would propose to make to the Princes in the suggested discussions. It would be necessary to consider

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steps to rationalise the smaller states and to improve their administration. A firm policy was needed and was at present lacking. He himself thought that the policy of attempting to incorporate the petty States with other States and not with British India had not been a success.

After a short discussion THE COMMITTEE:—

Accepted in principle the recommendations in the Secretary of State's memorandum, subject to consideration of a draft of the brief which the Viceroy would follow in his preliminary discussions with the Princes.

Minute 3

L/E/8/4869: f 106

UNITED KINGDOM HIGH COMMISSIONER IN INDIA

The Committee had before them I.B. (45) 15, Memorandum by the Secretary of State for India.[3]

THE SECRETARY OF STATE FOR INDIA said that the preparatory work on the proposal for the appointment of a U.K. High Commissioner in India had been done under the Coalition Government, and although the announcement in regard to it was made by the "caretaker" Government, he assumed that it was the intention of the present Government to proceed with the proposal.

The Committee agreed that the appointment of a U.K. High Commissioner in India should be undertaken.

THE SECRETARY OF STATE FOR INDIA then drew attention to the analysis of the High Commissioner's functions contained in the memorandum, and said that he felt increasingly the difficulty that would result if the High Commissioner were placed under the Dominions Office, or indeed any office other than that of the Minister responsible by statute for the exercise of control over the Government of India. The position would remain anomalous so long as the present constitutional position of the Governor General continued, and he felt that there would be serious practical difficulties unless the India Office were able to control and correlate the activities of the High Commissioner and of the Viceroy.

THE PRIME MINISTER said that the anomaly was more apparent than real. The crux of the matter was that both the Viceroy and the Secretary of State were concerned with the interests of India: it would defeat the purpose of the Government of India Act, 1935, if the Secretary of State were also to be put in charge of the High Commissioner who would represent in India the interests of His Majesty's Government. He felt that there was everything to be said for putting the High Commissioner under the Dominions Office.

[2] No. 137. [3] No. 147.

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THE PRESIDENT OF THE BOARD OF TRADE suggested that the difficulty might be got over if the High Commissioner as a temporary arrangement, were to be made responsible to the Department of Overseas Trade. The High Commissioner's functions would be economic, not political; this would be emphasised if he were to be made responsible to an economic department. Sir Stafford Cripps agreed with the view expressed by the Secretary of State for India that the appointment should be held by an official.

THE SECRETARY OF STATE FOR INDIA said that the proposal to put the High Commissioner under the Department of Overseas Trade was a new one which he would like to examine further.

THE COMMITTEE agreed that the question of the Office under which the High Commissioner was to be placed should be left to be settled in the light of the discussion by the Secretary of State for India and the President of the Board of Trade in consultation with the Prime Minister.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/E/8/3821: ff 173–6

INDIA OFFICE, *25 October 1945*

My dear Wavell,

I see that Dalal took the opportunity of a meeting of the Policy Committee on Industries on 5th October to announce the result of his approach to His Majesty's Government last May for the modification of the discrimination provisions of the Government of India Act. Before he came to London he had committed himself in the Legislative Assembly to informing the latter of the result of his negotiations with H.M.G. on this subject.[1] In view of the decision not to hold the autumn session of the Central Legislature, this is not possible for some time. On the other hand, in view of his commitment, he clearly could not delay much longer some public statement, and the occasion of the meeting of the Policy Committee on Industries seems well chosen. The terms in which he announced the result of his efforts were also I think on the whole not objectionable; except that I see that he repeated the statement, which has I think been made before both by him and others, to the effect that it is not possible for the industrial development of India to proceed unhindered so long as these constitutional provisions remain on the Statute Book.

2. I am sorry that Dalal gave renewed currency to this allegation, because, coming from him, it provides encouragement to Indian opinion to bring public

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pressure to bear on H.M.G. to agree to a modification of the Act in this matter independently of a general constitutional settlement. I do not think that the Government here are in the least likely to be induced by clamour to take any step in this matter to which they would not be led by reason. Dalal was told by Amery[2] that his difficulties were in a large measure hypothetical and had not actually arisen, but that if and when they do arise in specific instances then would come a much better opportunity for considering what adjustment might be feasible to meet them. Dalal's right course is to take action on this offer. If in the light of his actual experience as Member for Planning and Development he finds that in respect of any particular industry the commercial safeguards are in actual practice proving to be standing in the way of the industrial development of India (and not merely of his own particular plans for the autarkic development of industry in India) and can put up a reasoned and substantial case, I should be very ready to look at it and see if there is any way round the specific difficulties which have arisen in regard to the industry in question. If on the other hand he gives countenance to agitation in India on the matter, he increases the likelihood of questions in Parliament which I might find great difficulty in answering except in a manner very unacceptable to Dalal. I am sure that if he considers the matter he will appreciate that any public controversy between himself personally and H.M.G. is not really consistent with his position as Member of your Executive Council. Moreover if opinion in India is warmed up on the subject, or controversial ventilation of it here is provoked, this will inevitably have a reaction in this country and thus make it more difficult to handle any specific cases in which Dalal convinces us that industrial development is in fact being hindered by the safeguards.

3. Apart from these general considerations the allegation that the industrial development of India is being hindered by the safeguards seems to me to be unproven and except in one or two rather special cases is almost certainly untrue. Indeed, if what is desired is the industrialization of India irrespective of other considerations, this could no doubt be achieved a good deal faster if the fullest opportunities were presented to United Kingdom interests to participate in the development. Actually however there are few if any concrete signs of United Kingdom interests securing or even attempting to secure an unreasonable share of India's prospective industrial development. The fact that the industrial development of India is proceeding at a pace far below the extravagant expectations held out in the Bombay Plan seems attributable, not to the existence of the commercial safeguards, but to:—

(a) the caution of Indian industrialists in placing orders for capital equipment, due to their hope in many cases that in a few years time they will be able

[1] *The Legislative Assembly Debates*, Vol. II, 1945, 2 March 1945, pp. 1003–7.
[2] See Vol. V, No. 485.

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to get better equipment at lower prices. This may be wise on a short commercial view, but the result is that the order books of manufacturers in the United Kingdom and North America are getting filled up, without India getting more than a small share of the capacity available;

(b) the existence of a great many other demands on the industrial capacity and on the technical personnel available in the United Kingdom and North America;

(c) the tight control over industrial development plans which the Government of India is retaining, with the result that such projects as industrialists are putting forward tend to be held up for rather a long time while the various administrative processes for their approval are being gone through. The effect of this can be seen from Dalal's own statement that, whereas applications for permits to import equipment valued at the not very considerable sum of Rs. 61 crores have been received by the Government of India, the import of only Rs. 35 crores' worth has been approved;

(d) doubts about the political future of India which cause industrialists in the United Kingdom and North America to think twice before embarking upon new enterprises in India either on their own account or jointly with Indian interests, at a time when so many other avenues are open to them. I do not think that this consideration is as important a factor as the others but it has certainly been strengthened by Dalal's campaign against the commercial safeguards, which has served to emphasise to United Kingdom interests that an independent Government of India may not treat them fairly.

I have seen a number of suggestions to the effect that shortage of dollars is also a limiting factor on India's industrial development. My information suggests however that the other factors itemised above are at the moment operating to keep India's orders on the U.S.A. to a lower figure than that of the dollars which might be available. This factor is therefore not at the moment of importance, although it may become so.

Yours sincerely,
PETHICK-LAWRENCE

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Sir S. Cripps to Lord Pethick-Lawrence

L/P&J/8/471: f 82

BOARD OF TRADE, MILLBANK, S.W.I,
25 October 1945

My dear Pethick,
Thank you for your letter of the 24th.[1]

As to the Congress Socialists cannot you persuade the remaining 3 provinces to put them on the same basis as all other Parties.

I do feel that it is up to us to see that Progressive Parties—even if somewhat embarrassing—are not put at a disadvantage.

Yours,
STAFFORD

[1] No. 162.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *26 October 1945*
Received: 31 October

Thank you for your letter of the 16th October[1] which reached me on the 23rd and therefore made a good passage. Your brief review of what is going on in the political field each week is most useful to me. It is obviously very difficult to tell how things are shaping but it looks as if the Muslim League were not standing up too well to the strain of electioneering. If they fall into local dissensions I suppose it is likely that the Muslim seats may not give a clear mandate to the League as the most representative Muslim organisation. If so, that will bring with it its own difficulties for us because although the Muslims may be divided on local issues I imagine that in big all-India issues they are much more united. It will be unfortunate if the results of the elections do not reflect properly the Muslim point of view about those issues.

2. You mentioned in paragraph 14 of your letter of the 9th October[2] the question of passages for European civilians in India. I have no feeling that you have overstated your case on this subject on its own merits but, of course, I have to view it with my colleagues in a very difficult setting of problems

[1] No. 146. [2] No. 135.

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such as demobilisation and the demands of the Dutch and French to get their troops to their Far Eastern territories. I was greatly disappointed not to be able to do more for you in the last three months of this year and I have written a letter to the Minister of War Transport again urging your case and sending him a copy of your telegram. I also took the liberty of sending him an extract from what you said in your private letter. I very much hope that we shall get some improvement in the first three months of next year but even so I am afraid it will fall short of your needs by a considerable amount.

3. We have been getting a number of questions in Parliament about political prisoners and some of these have raised the question of the release of prisoners serving sentences of imprisonment arising out of the 1942 disturbances. I have taken the line that no general amnesty for these people is considered desirable. I appreciate that the bulk of the shorter sentences have been completed but I should like to know whether among those who remain in imprisonment it can be taken that there are none who are not guilty of crimes of violence or acts of sabotage going right outside non-violent political activity. If there were any imprisoned for non-violent acts I should be inclined to feel that there was a case for reviewing any such sentences and exercising some leniency. Is it the case that Provincial Governments are reviewing these sentences from time to time and that in many cases they have been shortened?

4. I attended a dinner given by the Prime Minister for Mackenzie King this week. Mr. Norman Robertson, a Canadian official from their External Affairs Department who was present and sat near me, in the course of conversation gave me to understand that Canada would now be ready to receive an Indian High Commissioner if India desired to send one, of course on the understanding that the arrangement would be reciprocal though Canada might not wish to send anyone to India for a time. I understand that this idea has been discussed before[3] and that although the Canadians have never turned it down, they have hitherto not been very responsive. Perhaps you might like now to pursue it. There is perhaps not a great deal for an Indian High Commissioner to do in Canada and if anyone goes it would be important that he should be of good enough calibre to make a good impression. On the other hand there is some advantage in making such an appointment both from the point of view of India's status in the Empire and of providing a training ground for Indians in diplomatic work.[4]

5. I am very glad that you agree[5] to the proposal that some Members of Parliament should come out this cold weather. I have taken up the matter with the Empire Parliamentary Association. They are keen on the idea but told me, as I had suggested to you, that the inviting Association usually pays the expenses of these journeys. I explained your difficulties and that the Government of India would be prepared to help the Indian E.P.A. so far as would

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enable them to pay the expenses of the party in India but that you could not run to the air passages. I hope that we shall be able to find some means of overcoming this obstacle but at the moment I cannot say anything definite.

6. I was approached the other day by Dobbie, who is Chairman of the India League, with the suggestion that a party of Labour Members, who are members of the Indian League, and Krishna Menon should be given facilities to go to India. I had rather expected a request of this sort and I think that in any party that goes we shall naturally include one or two of the Labour Members who are associated with the India League, but I certainly do not feel that in existing passage conditions it would be justifiable to give air passage facilities for a party, even though largely composed of Members of Parliament, which specifically represented a particular organisation. All sorts of other bodies would ask for similar facilities. An all-Party group of members of Parliament is another matter. Moreover I do not feel that there would be any justification for giving Krishna Menon facilities though some people tell me that it might be beneficial to let him have contact with people in India. I have known Menon for some time and I gave him an interview a few weeks ago. I do not feel that he is at all likely under any conditions to be a helpful factor. Perhaps you could let me know whether you agree with this assessment or whether you have any reason to think that there would be advantage in giving him the opportunity to make contacts in India. He is, I believe, primarily Nehru's man though he purports to purvey the views of Congress as a whole.

[Para. 7, acknowledging a letter on opium smoking; and para. 8, on the proposed Indian art exhibition in London, omitted.]

[3] See Vol. IV, Chapter 8 of Summary of Documents.

[4] In a letter dated 3 November to Sir Eric Machtig, Mr Robertson reported the gist of his conversation with Lord Pethick-Lawrence noting, in addition to the points mentioned above, that it was unlikely that the Canadian Government 'would wish to appoint a Canadian High Commissioner in Delhi before the United Kingdom decides to do so'. L/P&J/8/220: f 44.

[5] No. 151.

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Sir B. Glancy (Punjab) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/248: ff 30–1

SECRET *27 October 1945*

No. 581

Communal relations continue to deteriorate. Baldev Singh, our Development Minister, spoke to me a few days ago about the effect produced by Muslim League supporters in the Ambala Division declaring that Pakistan would soon be a reality, that the only laws that would prevail in a short time would be the

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Muslim laws of the Shariat and that non-Muslims would have to bring their complaints to the mosques for settlement. There is no doubt that the Sikh community is growing increasingly alarmed. I mentioned to Your Excellency again the other day the possibility of some announcement by His Majesty's Government to the effect that the expression "Province" occurring in the Cripps offer does not necessarily mean a province as now defined. I still think very strongly that an authoritative statement of this kind would provide a most timely, and surely an entirely unexceptionable, corrective to the fanatical and highly dangerous doctrine of "Islam in danger" that is now being preached by advocates of the League. An indication that areas such as the Ambala and Jullundur Divisions could not be carried off into separation against the wishes of the majority would not of course solve the difficulties of crude Pakistan in other parts of this Province, for these difficulties appear to be frankly insoluble. But such action would at least go far to prevent the coming elections being fought blindly on a false issue, and, what is more important, it would do something to avert the chances of civil war to which, as it seems to me, we are daily drifting nearer as things stand at present.

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Field Marshal Viscount Wavell to Maulana Azad

Wavell Papers. Official Correspondence: India, January–December 1945, pp. 357–8

No. 125/20. *27–29 October 1945*

Dear Maulana Sahib,

I have received your letter of 10th October,[1] and note your general observations about the need for goodwill at the present time. The enclosed extracts[2] from newspaper reports of speeches and statements made by Congress leaders before, during and after the Simla Conference, seem to me to indicate that the Government of India are not wholly responsible for the absence of good-will of which you complain.

2. My replies to your more detailed points are as follows:

(*a*) *and* (*i*). The only bans now subsisting, so far as I know, are those against the Forward Bloc throughout India; the Congress Socialist Party in the United Provinces, the Punjab, and Bihar, and in Nagpur in the Central Provinces; the Hindustan Red Army in Nagpur and Umrao in the Central Provinces; the Rashtriya Sewak Dal in the Satara District of Bombay; and the Shanti Senas in Assam. The Government of India do not wish to maintain these bans longer than is necessary, but I am surprised that you believe that the Congress Socialist Party "adheres to the

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policies of the Congress". The attitude of the Congress Socialist Party has been summarized as follows in a statement generally attributed to its General Secretary and not so far as I am aware repudiated by any member of the Party:

"My own interpretation of the Congress position—not Gandhiji's—is clear and definite. . . . We are justified . . . to fight Britain with arms. If this does not accord with Gandhiji's principles, that is not my fault."

"In every firka, taluqa, and thana and in every considerable factory and workshop and other industrial centre we must have a band of militants, mentally and materially equipped for the next rising."

I was not aware that the Congress Party had officially approved methods and objects of this kind which is what your letter seems to imply.

The subsisting bans do not in my opinion "operate as a serious handicap in respect to elections", since there is nothing to prevent any individual standing for election, and the Congress, which you describe as "the parent organisation", is not banned.

The immovable property of individuals cannot be taken over by Government under the Criminal Law Amendment Act, nor (unless it is requisitioned or acquired for public purposes) under the Defence of India Act or Rules. I am therefore not clear as to the cases of immovable property that you have in mind. The decision not to reverse legal processes by which movable property and funds have been finally forfeited was taken on practical grounds, and I am unable to reconsider it.

(*b*) *and* (*c*). The persons still in detention for reasons in any way connected with politics numbered about 1,100 on 1st October 1945. All of them are persons whose past conduct shows that they are likely to engage in violent activities or terrorism. I agree that there was delay in reviewing the restriction orders in the Delhi Province, but I understand that nearly all of them have now been cancelled, and that generally the number of restriction orders has been very greatly reduced.

(*d*) I regret I cannot change my view about the establishment of a Special Tribunal.

(*e*) There is still a shortage of newsprint, of which all Parties alike complain. I satisfied myself on a recent complaint from the President of the Hindu Mahasabha that the supplies available are distributed fairly, and there is nothing more to be done until supplies improve.

(*f*) No comment is needed.

(*g*) For the reasons already given, I am unable to pass a general order absolving all absconders from liability to arrest.

(*h*) The cases to which you refer are still under consideration.

[1] No. 138. [2] Not printed.

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3. Prospective candidates who desire the removal of a disqualification should if they wish to stand for the Central Legislative Assembly apply to the Government of India in the Legislative Department for the orders of the Governor-General-in-Council; or if they wish to stand for a Provincial Legislature to the Governor concerned.

The case of Mr. Biswanath Das was considered by the Governor-General-in-Council who decided not to remove his disqualification for election to the Central Assembly. He had been found guilty of a corrupt practice which disqualified him absolutely for election to the Orissa Assembly for six years; the offence was not technical; and the Governor-General-in-Council saw no reason why in the circumstances his disqualification should be removed.

4. I am sure you will appreciate that it would be quite impossible to allow special priority in respect of supplies and movement to members of one political party. The Government of India are in correspondence with Provincial Governments about the special supply of petrol to all Parties for election purposes, and every possible effort will be made, having regard to the continuing shortage of petrol, to make adequate supplies available. I am informed that there should be no serious difficulty about paper. There is no priority system for travel by train, and the pressure on air transport for urgent official purposes is so heavy that special priority for persons engaged in the elections is impossible.

5. I note your remarks about the electoral rolls. All Provincial Governments are doing their best to amend them as well as possible in the time available.

Yours sincerely,

WAVELL.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/8/634: f 43

IMMEDIATE NEW DELHI, *28 October 1945, 12.55 pm*

PRIVATE

TOP SECRET

No. 1882–S. Paragraph No. 4 of your Private and Secret letter of October 19th.[1] Proposed withdrawal of Ordinance III of 1944. Provinces' reactions are as follows.

2. *Bombay Bengal and Punjab* strongly oppose withdrawal. All stress possibility of grave unrest in handling of which the Centre must support Provinces. Bombay have ready draft Special Powers Bill which could be enacted by the

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Governor but it was designed to deal with communal trouble and is not repeat not regarded as adequate substitute for Central Ordinance. Bengal consider Bengal Criminal Law Amendment Act inadequate for action except against organised terrorism and stress probability of trouble with I.N.A. Punjab also stress I.N.A. problem, and point out that to force Ministry into repressive provincial legislation on eve of election would be grossly unfair. With dissolution of the Assembly imminent Punjab could proceed only by ordinance extending life of the Punjab Criminal Law Amendment Act 1935 which expires on November 30th, and is far less effective than Central Ordinance.

United Provinces and Bihar oppose withdrawal but are prepared to accept it under pressure. Both point out that legislation by the Governors would be repealed immediately by new ministries if formed. Bihar would agree to provincial legislation if the Central Ordinance is repealed, but United Provinces would fall back on Regulation III of 1818.

Sind has Hur problem and could deal with it provincial (?ly), but only at considerable inconvenience as Legislature has been dissolved. Other provinces have no strong views.

3. My own appreciation is as follows. Withdrawal of ordinance was proposed after our discussion of August 27th, while I was still in London. It was considered in Council on September 19th immediately after my return. There had then been wild speaking by Congress leaders and draft A.I.C.C. resolution was being published (on September 15th) but intentions of Congress were not clear. They have since been clarified by A.I.C.C. discussions (21st–23rd September), by speeches by Vallabhbhai Patel in Bombay, Nehru and Pant in the United Provinces, and Rajendra Prasad and Sri Krishna Sinha in Bihar, and by Congress election manifesto published today. Main features are that Congress stand by "Quit India Resolution", are determined to achieve independence within limited period stated variously at from a few months to 5 (? years), maintain that disturbances of 1942 were magnificent achievements repetition of which would by implication be most desirable, will punish officials who have served the British in maintaining law and order, and will protect against punishment and generally look after members of I.N.A. All this is consistent with intention to promote violent mass movement on 1942 lines. Provinces mainly affected would be Bihar U.P. Bombay C.P. and Bengal probably in that order, with possibility of serious trouble in the Punjab also if elections fail to produce stable Ministry there or if movement took communal as well as anti-British turn as it well might. Madras Assam Sind North West Frontier Province and Orissa would also be affected, though less than other six. As Congress intend to contest the election we must assume that any mass-move would be timed for next summer, and would be (corrupt group) [?start]ed on

[1] No. 150.

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some pretext such as rejection by His Majesty's Government of demand for immediate transfer of power at Centre (?to) Congress party.

4. You will realise that in a situation of this kind we should need power to detain without trial and should have to exercise it uniformly all over India. With demobilisation of British and Indian troops proceeding, and psychological effect of revolts in French Indo-China and Indonesia, situation would be more difficult and dangerous than in 1942. Ordinance III of 1944 gives us the power we need, and, if declaration of end of emergency is not made until April 1st as now proposed, will carry us on to September 30th 1946 when most critical period may be over (?and we) shall at any rate know where we are. There are strong arguments against immediate provincial legislation in the Punjab against wishes of ministry, and also against legislation by Governors of Section 93 provinces.

5. I therefore propose to advise Council that Ordinance III of 1944 should not repeat not be withdrawn. I am satisfied that this is wisest course, and will expose us to less criticism than an attempt to provide inadequate substitute for it in selected provinces. I shall be grateful for your immediate concurrence as provincial Governments are uneasy and I want to settle the matter at once.

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Mr Gandhi to Sir E. Jenkins

L/P&J/7/8460: f 9

NATURE CURE CLINIC, TODIWALA ROAD, POONA, *29 October 1945*

Dear Sir Evan,

This I write in fear and trembling, lest I may be overstepping my limit.

I am watching the progress of the trial of the members of the corps raised by or under Shri Subhas Babu. Though I have nothing in common with any defence by force of arms, I have never been blind to the valour and patriotism often displayed by persons in arms, as seems to be the case here. And can the Government afford to ignore the almost if not the wholly unanimous opinion of Indians of all shades of opinion? India adores these men who are on their trial. No doubt the Government have overwhelming might on their side. But it will be a misuse of that power if it is used in the teeth of universal Indian opposition. It is not for me to say what should be done except that what is being done is not the way. Let His Excellency decide what is best in the circumstances.

Yours sincerely,

M. K. GANDHI

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/WS/1/1577: ff 113–18

IMMEDIATE INDIA OFFICE, *29 October 1945, 6.35 pm*
TOP SECRET

23890. Your secret telegram 253-S.C.[1] dated 16th October. In view of the obvious connection between the policy adopted in India and Burma towards those who have collaborated with the enemy and the policy to be followed elsewhere I thought it necessary to bring the whole question of military and civilian collaborators in India and Burma before my colleagues.[2] In doing so I detailed to them the policy so far agreed between us for dealing with I.N.A. While there was general agreement with the policy as so far publicly defined and recognition that the number of Blacks to be brought to trial must be limited, there was some discussion as to the extent of the clemency which should be granted in cases where death sentences had been imposed.

2. I said that I understood that the broad intention was that the death sentence would only be carried out in cases where persons concerned had been guilty of atrocities against British or Indians or had been directly responsible for the death of British or Indian soldiers in battle. My colleagues recognised that this was practicable line and quite possibly the most advisable in the circumstances. At the same time there was a desire to be assured as to the possible effects of this policy on the morale of the Indian Army at the present time and on its future discipline; i.e. whether (a) on one hand bulk of serving army and loyal ex-prisoners-of-war who resisted pressure to collaborate would resent or, detrimentally to discipline, misinterpret as condonation of serious offences against military code any lenient treatment of categories D to H in *confirmation* series in paragraph 2 of your 10234[3] or (b) on other hand nationalistic element in the Forces would take exception either to any considerable number of executions in categories A, B and C in that series or to imposition of heavy sentences in other categories. I should therefore like to have for them an up-to-date appreciation by the Commander-in-Chief with particular reference to this aspect of the situation.

3. I should be most grateful if you could despatch by fast air mail to arrive here not later than 6th November a self-contained personal appreciation by Auchinleck together with your own comments covering whole ground which I could circulate to my colleagues. This appreciation should give information

[1] Not printed. The main points of this tel. are incorporated in Annexures I and II to No. 154. L/WS/1/1577: f 152.

[2] See No. 168, minute 1. [3] No. 17.

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on the following points although as I fully realise it would thereby deal with several questions which have already been answered piecemeal in earlier telegrams:

First. The grounds on which it has been decided to institute courts martial in certain cases and not in others.

Second. The latest estimate under *trial* categories A to J in paragraph 2 of your 10234 as to the number to be brought to trial and of convictions likely to be obtained. Please also give probable length of period by [for] which trials will continue.

Third. An estimate of the number of sentences likely to be confirmed with reference to second above.

Fourth. A statement showing for what offences death sentences are likely to be imposed and an estimate in each case of the numbers that will be confirmed and actually carried out.

Fifth. The Commander-in-Chief's views as to the general effect that the trials in the above quoted cases and the postponement (and presumably possible abandonment) of trial under categories (a) (b) (c) and (e) *vide* penultimate sentence of paragraph 2 of your 253-S.C.[4] may be expected to have on the Indian Army now and on its discipline in the future.

[4] The wording of the sentence referred to is the same as the wording of the last sentence of para. 4 of Annexure I to No. 154.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 40 *29 October 1945*

Many thanks for your letter of 19th October.[1] There is little change in the political situation and we are clearly in for a difficult and probably a dangerous time. I have asked Jenkins to send Turnbull collections of newspaper cuttings so that you may see the violent tone of the Congress politicians and the nationalist Press, and something also of the Muslim League attitude. Reports from Governors, particularly Rutherford, Hallett, and Twynam, confirm my view that the Congress may intend a violent mass movement after the elections, and that we must expect a steady deterioration in communal feeling and in the general attitude to constituted authority. You must be prepared for very stormy weather ahead. I have telegraphed[2] with reference to paragraph 4 of your letter, recommending the retention of Ordinance III of 1944, which I formerly thought we might withdraw towards the end of this year. If things

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go badly, we shall certainly need the powers which this Ordinance gives us, and the simplest plan is to let it stand. The Punjab criticism, that to force repressive legislation on a Ministry with an election imminent would be grossly unfair, seems to me quite justified, while in the Section 93 Provinces legislation by the Governors would almost certainly be repealed by the new Legislatures. To deal with the situation which I now regard as probable, uniform powers will be essential, and these can be given only by Central legislation such as Ordinance III of 1944.

Interest in the Netherlands East Indies and in Palestine is unabated. The Muslim League organised a "Palestine Day," on 26th October, which seems to have passed off without incident.

I am sending by this bag a copy of my reply[3] to Azad's letter of 10th October.[4]

2. The Punjab Premier has made a statement saying that it is improper for officials to interest themselves in the elections. Cunningham reports that there are complaints in the N.-W.F.P. about official interference, though to the best of his belief most of his Muslim officials would privately favour the Muslim League rather than the Congress Muslims.

I have looked into the Punjab method of voting which I mentioned at the end of paragraph 6 of my last letter.[5] There are two recognised methods which are supposed to make things easy for an illiterate voter—the use of coloured boxes for the different candidates or parties, and the allotment of a symbol to each candidate, which is prominently exhibited on the ballot box and is printed on the ballot paper. In Madras, Bihar, the Central Provinces, and Orissa, voting is generally by the coloured box system. Bengal and Assam use symbols both on the boxes and on the ballot papers. Bombay and Sind use symbols on the ballot papers only. In the United Provinces the coloured box system has in the past been used only in the urban constituencies, but I understand that it is now being introduced generally. The Punjab and the North-West Frontier Province use neither coloured boxes nor symbols, but on the ballot papers candidates are distinguished by a number of black dots. I have asked Glancy whether he thinks a change in the Punjab system desirable, and have suggested that if he does, the use of symbols might be introduced more quickly than the use of coloured boxes and ballot papers. I am told that when the present Electoral Rules were made in the Provinces the Punjab deliberately decided against coloured boxes and symbols, because the system now in force had been worked smoothly for many years at all kinds of elections and they felt that the new systems were open to abuse. My Private Secretary who has worked as a Polling Officer and in more senior capacities at elections in the Punjab, tells me that he does not think the present system is greatly abused,

[1] No. 150. [2] No. 174. [3] No. 173. [4] No. 138. [5] No. 157.

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and that whatever system is adopted, some of the illiterate voters would have to be told what they were expected to do. I will let you know Glancy's views when I receive them.

3. I have sent you a separate letter[6] suggesting that you might, by an arranged question in Parliament, clear up one of the prevailing misconceptions about the attitude of His Majesty's Government to Pakistan. Jinnah claims, as you know, that the decision of a Muslim majority Province to secede from the rest of India should be taken on a Muslim vote only, and I think that we can make it clear that this is unacceptable without appearing to modify the Draft Declaration of 1942. In a recent letter[7] Glancy says that the uneasiness of non-Muslims in the Punjab is growing, and that in the Ambala Division Muslim League speakers are talking as though the Punjab will become a Muslim State almost immediately and that thereafter Islamic law will apply to all disputes. He would like to go further than I think desirable at present, and say that His Majesty's Government do not propose to include in any Muslim majority Province which decides to secede from the rest of India any substantial block of non-Muslims. I do not think a statement to this effect could be made now without a real modification of the 1942 Offer. I enclose a copy of a letter which Tara Singh, the Sikh leader, has sent to the Prime Minister. This confirms Glancy's estimate about the general uneasiness of non-Muslims, and particularly the Sikhs.

4. There was only one Council meeting during the week at which, apart from routine business, we dealt with three important matters. You doubtless know that during the war we were obliged to remove the ban on the employment of women underground in coal-mines. The coal-miners are a primitive class, largely aboriginals, and are not a stabilized labour force. They prefer to have their wives working with them, and as soon as well paid work on the surface was available—and there was a great deal of this, especially on airfields—they drifted away from the mines and our output fell disastrously. We were much criticised for letting the women go underground again, but by doing so we arrested the fall in output and were able to get through a very critical period. Ambedkar has watched the situation carefully and has more than once pressed Council to reimpose the ban. Council have now decided to do so from 1st February 1946 so as to give time for the Managers of Mines to try and enlist other labour, and I think this is right, though it will probably lead to a considerable drop in our coal raisings at first. A good deal of criticism at home was misinformed, because we do not permit women to work except in galleries of a certain height and many of the coal seams in India are so large that the working conditions for women, as I saw for myself on two visits to the coal-fields, are not at all bad. But it is wrong in principle to allow women to work underground and I am glad that we have been able to reimpose the ban.

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Khare produced the first draft of an Immigration Agreement between India and Burma. This followed the lines of an earlier decision in Council, and gave full protection to Indians who were resident in Burma before the war. There was a good deal of discussion about quotas for new immigrants, but Council seemed reconciled to the probability that you would not intervene to secure the unrestricted right of immigration for the professional and business classes and skilled workers, and generally accepted the quota system. As the draft had been settled by Tin Tut with Banerjee, the Secretary in the Commonwealth Relations Department, it seems likely that it will be accepted by the Burma Government.

Council also approved the composition of our Delegations for the Preparatory Commission and the General Assembly of the United Nations Organisation, and the brief which is to guide our delegates.

5. Your latest telegram[8] to the Food Department about the prospects of imports of wheat and rice is encouraging, and Srivastava hopes to be able to make a reassuring statement. Meanwhile I have had some further information about Bengal. Hutchings had a discussion with the Bengal Government on his way to Rangoon, and I am sending a copy of his report[9] by this bag. On the whole he seems fairly well satisfied. I have also had reports from Hance, Director-General, Indian Medical Service, and Bozman, the Public Health Commissioner, about medical and public health arrangements. The Bengal Government were [are] certainly very much better off than they were in 1943 and I think the medical arrangements should do, with some reinforcement from the Army if need arises. The public health arrangements are less satisfactory, but they are being improved and it should be possible to control epidemics in the districts likely to be worst affected.

[Para. 6, on the proposed Indian Art Exhibition in London, omitted.]

7. I have your letter of 18th October[10] about India's future needs for European medical men, and am examining it in consultation with the Health Department.

8. Khare is disappointed at His Majesty's Government's refusal to await Mudaliar's arrival before announcing their policy on the Soulbury Report. The justified impression here is that there was a bargain of some kind between the Colonial Office and Senanayake, and you must expect a good deal of resentment in India.

[Para. 9, on the Governorship of Madras, omitted.]

10. You may have heard that the Ministry of Information have sent a Liaison Officer, King, to New Delhi to keep in touch with the Information and Broadcasting Department and to see that the best use is made of material

[6] No. 167. [7] No. 172. [8] L/E/8/3491.
[9] *Summary of Visit to Bengal* dated 22 October 1945. L/E/8/3341. [10] L/E/9/636.

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provided from home. There was a good deal of controversy about this appointment while I was at home in the spring, and Sultan Ahmed and his officials were opposed to having a Liaison Officer here at all. I overruled them and I now understand that they are reconciled to the idea, and are getting on well with King. I saw him the other day and thought him sensible and competent. He is not anxious to extend His Majesty's Government's propaganda in India until the U.K. High Commissioner is appointed. It will then be possible to put the British case, and to try to attract Indian interest in it, quite openly and without using agencies which are suspect in Indian eyes.

11. Paragraph 8 of your letter. I hear that the Fabians have also formed a group on Indian questions; so you may have "cannons to right of you, cannons to left of you".

Enclosure to No. 177

Master Tara Singh to Mr Attlee

AMRITSAR, *23 October 1945*

Dear Major Attlee,

I must draw your attention to the fact that communal feeling is steadily deteriorating in the Punjab. The cry of Pakistan is being raised more and more loudly by Muslim Leaguers who openly assert that, in accordance with the Cripps Offer, the whole of the Punjab as constituted today will be liable to separation from the Indian Union if there is a bare majority in favour of such separation. The Muslim population in the Province is about 56 per cent. Non-Muslims, especially Sikhs, are quite determined to resist—if necessary, by force of arms—being included in Pakistan, or being put under any sort of communal domination. In two out of the five Divisions in the Punjab, there is not one district with a Muslim majority. If we separate the Muslim territory conquered by Maharaja Ranjit Singh and added to Punjab proper, the Muslims do not form the majority of the population of the Punjab. I most earnestly request, on behalf of the Sikhs, that His Majesty's Government should clarify the Cripps Offer by announcing that the term Province, as used therein, does not mean a Province as delimited today; but that efforts will be made to meet the Sikh demand of having an effective voice in the Government of the Province which is their homeland. In support of this demand of the Sikhs, I quote below a portion of the speech of the Secretary of State for India in the British Parliament delivered on 28th April 1942:[11]

> "On the other hand, the particular method which we suggest for arriving at a constitutional settlement, more particularly on the present Provincial basis, both for setting up a constitution-making assembly and for non-accession is not meeting with sufficient support for us to press it further. It

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may be that alternative methods might arise which might form a better basis for the definition of boundaries and might give representation for smaller elements such as Sikhs whose natural aspirations we appreciate."

An announcement of this nature would help very materially to make clear the position to the average voter and prevent his being misled by false propaganda. In view of the rapid deterioration in communal feelings, very early action is necessary in order to minimise danger of widespread bloodshed. All I am asking is that His Majesty's Government should, in the interest of fair play and peacefulness, lose no time in elucidating the Cripps Offer for which they are themselves responsible.

I am, Yours truly,
TARA SINGH (MASTER)

Copies to (1) H. E. the Viceroy, (2) H. E. the Governor of the Punjab, and (3) H. E. the Commander-in-Chief.

[11] In *Parl. Debs.*, 5th ser., H. of C., vol. 379, col. 912 this passage reads: 'On the other hand, the particular method which we suggest for arriving at a constitutional settlement, more particularly the present Provincial basis, both for setting up a constitution-making assembly and for non-accession has not met with sufficient support for us to press it further. It may be that alternative methods can be devised which might afford a better basis for the definition of boundaries for the major elements, and might give representation for the smaller elements, such as the Sikhs, whose natural anxieties we fully appreciate.'

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Secretary of State to Government of India, Home Department

Telegram, L/WS/1/1577: f 104

IMPORTANT INDIA OFFICE, *30 October 1945, 6.40 pm*

No. 23967. Civilian collaborators etc. I have discussed[1] your telegram of the 20th October No. 8951[2] with my colleagues. Our view generally is that in the treatment of those who sided with the enemy a broad distinction lies between those who were and those who were not bound by military oath, i.e. between members of the Indian Army and civilians, whether or not the latter joined the Indian National Army. This distinction would be emphasised by the trial and punishment (for the more heinous offences) of Indian Army personnel as contrasted with a general policy of leniency towards civilians which in all the circumstances is felt to be justified.

2. As regards the civilians apprehended in Europe, none of whom is relatively of great importance, I should therefore see no objection if after further

[1] See No. 168, minute 1.
[2] Not printed. The main points of this tel. are given in No. 161. L/WS/1/1577: ff 140–1.

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consideration you were to recommend that none of them should be brought to trial. I should also, but subject to the views of the military authorities, be prepared to agree that now that they have suffered period of detention the men should be released in Europe and the idea of compulsory repatriation dropped.

3. The same policy would generally apply to those in South East Asia, including the civilians who joined the I.N.A. Clearly the only civilian renegade there of first importance is Subhas Bose, if he is still alive. If in respect of any others (cf. paragraphs 3 and 4 of your 8951)[3] you consider that prosecution should be undertaken it is suggested that in place of bringing them to India for trial you should consider the alternative of trial on the spot before either military or civil courts. Please see in this connexion paragraph 3 (A) and Annexe paragraph 3 (a) and (b) of War Office directive of 1st October to SACSEA[4] on the treatment of renegades and quislings, of which a copy was sent to the C. in C., India.

4. In regard to the disposal of those civilians in Europe or Asia who have been apprehended but whom it is decided not to prosecute I presume you will take steps through the D.I.B. or in relation to SEAC by alternative channel if more appropriate to ascertain the views of the relevant military authorities.

[3] In these paras. it was suggested that it might be possible to prosecute the following civilians: Nambiar and Habibur Rahman, Hari Singh, N. G. Swami, Baba Amar Singh, N. K. Banerji, C. D. Bhattachariya and S. Roy.

[4] Para. 3 (A) of this directive stated that once the trial of a British subject or British protected person had been decided upon, it should be held as soon as practicable after capture and as close as possible to the evidence. Trial should generally be by Civil Courts, but might be by Military Courts to avoid unreasonable delay. L/WS/1/1577: ff 157–60.

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Lord Pethick-Lawrence to Sir S. Cripps

L/P&J/8/644: f 93

PERSONAL INDIA OFFICE, *30 October 1945*

Thank you for sending me Shiva Rao's letter.[1] Since we talked at dinner last week about Congress resuming office in the Provinces I have looked further into the position. So far as we know only four provinces under Section 93 have dissolved the Legislatures up to date. These are

Bihar	which dissolved on the	27th August
Central Provinces	,,	3rd September
Orissa	,,	7th September
Madras	,,	29th September

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There was no discussion between my Office and India about these dissolutions, but presumably the Governors were satisfied that there was no tangible prospect of Congress taking office this Autumn and thought it better to clear the decks in preparation for the coming election. The Congress leaders were of course released before the Simla Conference and therefore they had plenty of time to consider the position and decide whether they wished to make a move before these dissolutions took place.

PETHICK-LAWRENCE

[1] In his letter of 15 October, Mr Shiva Rao informed Sir S. Cripps of his impressions of the Indian scene since his return. He found deep resentment and suspicion of the British Government's intentions in Congress circles. In part this was because 'Congress leaders were about to take up office in the Provinces when the Governors forestalled them by dissolving the legislatures. This could not have happened, Congress leaders tell me, without the Labour Government's permission.' L/P&J/8/644: f 96.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/634: ff 36–7

IMMEDIATE INDIA OFFICE, *31 October 1945, 12.30 am*

PRIVATE

554. Private. I have considered with care your telegram of the 28th October, No. 1882–S.[1] You know my dislike in principle, which is shared by my colleagues, to the use of powers for the prolonged detention of persons without trial. I am grateful to you and Governors for your careful examination of this matter and I appreciate progress already made in release of detenus. I realise seriousness of Provincial difficulties pointed out in your telegram and of the threats to law and order which may have to be faced in the coming months.

2. In the circumstances I agree to deferring the demise of the Ordinance beyond the date of December 1st which we originally proposed. I trust however that this decision will not retard progress in release of detenus and that releases which it had been intended to make in face of early withdrawal of Ordinance will all be effected. I hope you will keep the matter continuously in review as it is impossible to defend the retention of emergency powers for long after the termination of hostilities.

[1] No. 174.

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Lord Pethick-Lawrence to Sir S. Cripps

L/P&J/8/471: f 79

31 October 1945

My dear Stafford,
Thank you for your note of the 25th.[1]

I have already pressed the Viceroy very strongly early this month[2] to raise the ban on the Congress Socialists, and I did so because I felt like you that we ought to do everything possible to see that progressive elements in India are not put at a disadvantage. The Viceroy tells me[3] that the ban on the Congress Socialist Party will not affect the election in any way as persons belonging to this party ordinarily stand as Congressmen. They are in fact an organisation within the Congress. The ban exists in the Punjab, which is of course a ministerial province, and in the United Provinces and Bihar, under the Criminal Law Amendment Act and not under wartime legislation or ordinance.

The Viceroy tells me that his Government and several of the Governors are seriously concerned at the deterioration of the law and order position. The Congress leaders are making violent speeches in the United Provinces and in Bihar and Nehru is doing so in particular. The Viceroy is anxious, knowing our views, to avoid repressive action as long as he can but says this will be made much more difficult if we did not carry the Executive Council and the Provincial Governments with us on questions such as the removal of the few bans that remain. In the Punjab in particular the constitutional propriety of interfering in such a matter is most doubtful and he is firmly opposed to any intervention in regard to it.

In view of the Viceroy's strong conviction that these bans must remain I do not feel that I can press him further, particularly as he tells me that the members of the Congress Socialist Party will not be prevented from standing for the election in the Congress interest.

Yours sincerely,
PETHICK

The Viceroy takes the view that whatever the Congress Socialists may have been originally they are now a party of violence.

[1] No. 170. [2] No. 139. [3] No. 141.

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Sir S. Cripps to Lord Pethick-Lawrence

L/P&J/8/471: f 78

BOARD OF TRADE, MILLBANK, S.W.I, *2 November 1945*

Dear Pethick,

I am sorry to be insistant upon the Congress Socialists,[1] but I cannot see the logic in maintaining the ban in 3 provinces. Either they ought to be banned everywhere or else not banned, there can be no reason for selective banning.

I have noted what the Viceroy says about "a party of violence" but I do not accept this. They may on occasion be violent like strikers—but largely because of their suppression and ill-treatment.

I do not see how we can, in view of our own history as a Party and our views, tolerate this continued ban.

If you feel you cannot yourself make the decision will you please bring it before the India Committee.

Yours,
STAFFORD

[1] See No. 181.

183

Sir J. Colville (Bombay) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/166: f 40

CONFIDENTIAL GOVERNMENT HOUSE, BOMBAY,
Report No. 52 *2 November 1945*

6. So far as the general political situation is concerned, I agree with what you say in paragraph 2 of your letter of October 24th, that the intemperate speeches of certain Congress leaders have given cause for anxiety. I discussed this with our Home Department and police, and the feeling is that though such speeches do not pass without notice, up to now there has been no deterioration in service morale as a result. In this Province there have been few, if any, attacks on individual officers with threats of retribution, though there has been a good deal of vague threatening. Nehru left almost immediately after the A.I.C.C. Conference in Bombay, where he played a notable part in producing the atmosphere which led to the riot. We have not been directly troubled by his utterances since then, but Vallabhbhai Patel keeps breathing forth threatenings and slaughters. However, it is said that our people regard him as the hot-stuff man, and expecting him to pursue that line, feel that his bark is worse than his

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bite. I am told, though I have no means of checking it, that there is growing feeling between Gandhi and Nehru and Vallabhbhai Patel on the subject of non-violence. I believe that most of the Ministers here want to come back as a Government and work constitutionally, for a period at any rate, and that the heads of the parties will try to hold the elections as smoothly as possible. I do not by this mean to say that there will be no rough-housing, but it should not be unmanageable. What may happen after that depends on the Congress and League Higher Commands.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *2 November 1945*
Received: 12 November

Thank you for your letter of the 22nd October.[1] First let me thank you for your answers to various points I have raised in previous letters. I can see the point that it is too late now to alter the electoral system in the Punjab. I hope, however, that this will be borne in mind for the future. The basis of the criticism put to me is, if I understand it rightly, that under the existing system it is possible for the landlords to exercise an unfair influence on their tenants. If this is so, I think it will be very unfortunate if the existing system is not revised while we are in a position to bring some influence to bear in the matter. If the Government in power in fact owes its position to any extent to the existing system, they will obviously be increasingly reluctant to alter it as time goes on. I gather that the other system works well and is reasonably easy to operate and should have thought there would be great advantages in having a more or less uniform system in all Provinces.

2. What you say in paragraph 7 confirms my own feeling. The Congress leaders had plenty of time between the Simla Conference and the dissolution of the Legislatures to enable their followers to assume office anywhere where they wished to do so; even if they had been reluctant to make a positive move themselves, I feel they would have let us know through third parties that it was their wish to do so. It is only since the dissolution of certain Legislatures that the assertions that the Congress would have liked to reassume office have begun to circulate.

3. I have just received your separate letter[2] about the proposed question and answer on our attitude to Pakistan to which you refer in paragraph 8. I will consider this as speedily as I can.

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4. I am very glad to hear that you are expediting consideration of cases of political prisoners who have served terms of fourteen years or more. I think that these cases certainly ought to be reviewed. I enclose with this letter a copy[3] of a list of cases I have had from Miss Marjorie Fry who was a member of the Indian Conciliation Group Delegation which came to see me recently. They drew attention to certain cases of individuals who had served long sentences for what they admittedly [*sic*] were serious crimes and who, on completing their sentences have been re-arrested and detained. Most of them are Bengal terrorists but you will see that it is alleged that one or two of them are sick men and that others are suffering from the conditions of their internment. I should be grateful if these cases could be considered. I think there may certainly be a case for moving some of them to places of better climate or even for releasing those who are in poor health if that is in fact the case. I should also like to know whether you are really convinced of the necessity for keeping these people in detention after they have served full sentences.

[Para. 5, on a proposal of the Indian Conciliation Group for B.B.C. broadcasts by Indian leaders, omitted.]

6. I was interested to hear that you are substituting a single Co-ordination Committee of Council for the War Resources and Reconstruction Committees, and that Coates is setting up a small secretariat which may develop later into a real Council Secretariat. I feel sure that the latter is a coming need and that the idea of starting it as a nucleus to serve a Council Committee is a good one. As you say a political executive will be somewhat unwieldy and it will need a very good and fair-sized secretariat of its own if it is to function effectively.

7. I had an interesting talk yesterday with Sargent and the delegates he has brought with him to the United Nations Conference on education. They all urged upon me the great need to find the money necessary to implement the education plans. I was therefore very glad to see from paragraph 12 of your letter that your Council have now accepted the principles of the education report as the objective. Rowlands certainly has a difficult task in sharing out what is available between the many crying needs in the different spheres of social service. I should myself place education very high in a priority list. Although of course my knowledge of these matters in their Indian setting is limited, I would have thought that what can be done in the sphere of preventive medicine and in matters of nutrition for example, is much limited by the low educational standards in India and that in the long run in order to secure a full dividend on the money invested in medical relief and health services, it was essential to proceed at least *pari passu* with educational advance.

[1] No. 157. [2] No. 167. [3] Not printed.

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[Para. 8, on a proposed Indian Art Exhibition in London; para. 9, on an engineer for the Iraq Commission; and para. 10, on the political situation in Burma, omitted.]

11. I am sorry that it has not been found possible to do more to meet the views of your Government on the recommendations of the Soulbury Commission on Ceylon. The Colonial Office are facing a delicate situation in Ceylon and I think were nervous of prejudicing the doubtful chances of acceptance of the new proposals by importing modifications to meet Indian opinion. In any case I fear your telegram No. 1893-S[4] of the 30th October arrived too late for me to suggest any amendment in the statement made on 31st October. On the same issue of the franchise which, as your telegram says is the core of the problem, the Colonial Office attitude—for which there is much to be said—is that it is a matter for direct negotiation between the Governments of India and Ceylon. I will of course impress on Hall the importance of dealing with the points you raise when the drafting stage comes on, and I am sure that Mudaliar will have opportunity to expound and reinforce your Government's views before final decisions are taken.

[Para. 12, on Indian representation at an International Maritime Conference at Copenhagen, omitted.]

[4] L/P&J/8/199.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/WS/1/1577: ff 96–100

SECRET THE VICEROY'S HOUSE, NEW DELHI, *2 November 1945*
No. 1141

My dear Pethick-Lawrence,

I enclose the appreciation by the Commander-in-Chief asked for in your telegram No. 23890[1] of 29th October about the treatment of the I.N.A.

2. Since my telegram No. 253-S.C.[2] of 16th October was despatched, certain decisions have been taken which reduce appreciably both the number of men likely to be tried by Court Martial, and the number likely to be sentenced to death and executed. The original estimates in the Trial Categories assumed that the trials could be spread over one year; it has now been decided that an effort should be made to complete them within six months. It has also been decided to drop the proceedings against men in categories (a), (b), (c), and (e) of the Trial Categories,[3] and to deal with men in category (d) simply as deserters without reference to their membership of the I.N.A. The I.N.A. trials will

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therefore be limited to the Trial Categories (f), (g), (h), (i) and (j), and men within these categories will not be tried unless there is a reasonable certainty of a conviction on a charge other than one of "waging war against the King" or simple desertion.

3. I consider it impossible to give any immediate estimate of the number of men who will be liable to trial under the plan outlined above. But if we adhere to the period of six months for the completion of the trials, the Commander-in-Chief's estimate of 125 seems reasonable. I cannot say how many of the persons tried will be convicted or how many of those convicted will be sentenced to death. We do not yet know how the prosecution case will appear under cross-examination or what defence will be put forward. The Commander-in-Chief's estimate that not more than 45 persons will be sentenced to death and that not more than 20 death sentences will be confirmed is as good a guess as any.

4. I have no comments on the Commander-in-Chief's views as to the effect of the trials and the treatment of the I.N.A. generally on the Indian Army. There is great bitterness against the I.N.A. among the loyal prisoners of war and this is probably shared by the Indian troops who fought through the Burma Campaign.

Yours sincerely,
WAVELL

Enclosure to No. 185

APPRECIATION OF THE SITUATION IN RESPECT OF THE SO CALLED "INDIAN NATIONAL ARMY"

BY

GENERAL SIR CLAUDE J. E. AUCHINLECK, GCB, GCIE,
CSI, DSO, OBE, ADC,
COMMANDER-IN-CHIEF IN INDIA.

31st OCTOBER, 1945

1. Of the 20,000 military personnel who joined the I.N.A., a large proportion became traitors,

(i) to avoid brutal treatment;
(ii) to secure better living conditions;
(iii) as a result of persuasion by their seniors.

[1] No. 176.
[2] Not printed. The main points of this tel. are incorporated in Annexures I and II to No. 154. L/WS/1/1577: f 152.
[3] For a description of these categories see Enclosure below.

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Mass trials being clearly impossible because of the obvious desirability of disposing of cases as quickly as possible, it was decided to bring only the worst offenders to trial and these were grouped into the following categories:—

(a) Officers of the I.A.
(b) VCOs who became officers in INA.
(c) VCOs who joined 950 Regiment.
(d) Those who initially deserted from our lines as opposed to being taken prisoner.
(e) IORs who became officers or under-officers in 950 Regiment.
(f) Those instrumental in causing the death of any British or Allied subject, whether in or out of battle.
(g) Those guilty of brutal conduct either to fellow JIFs/HIFs or to members of the Allied Forces.
(h) Those who took part in the capture and handing over to the enemy of any British or Allied subject.
(i) IORs who became officers in INA and took a leading part against us in battle, including front line intelligence duties.
(j) Fujiwara volunteers.

It was estimated that six permanent Courts Martial in continuous session could complete some 300–350 trials only in one year.

Subsequently, as a result of the tense political situation, it was decided to concentrate in the first instance on the trial of those guilty of murder or gross brutality. The first trial of this kind is due to open on Nov. 5.

2. As soon as it became known to the public that trials were about to commence, all the main political parties, and especially Congress, made the I.N.A. a prominent political issue. The Indian Press is full of articles extolling the I.N.A. as heroes. This, together with the fact that popular ministries will be set up in the Provinces by April, make it highly desirable, if not essential, to dispose of the I.N.A. problem during the next six months.

It was therefore decided to bring to trial those included in the following categories only:—

(i) Any person actively instrumental in causing the death of any British or Allied subject, whether in or out of battle.
(ii) Any person responsible for the brutal treatment of any British or Allied subject.
(iii) Any person taking a responsible part in the capture and handing over to the enemy of any British or Allied subject.
(iv) Officers, VCOs and IORs who became officers in the I.N.A. and 950 Regiment and took a leading part against us.
(v) Fujiwara volunteers.

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No person will be charged with "waging war against the King" unless he can also be charged with other crimes so that there will be no convictions solely on the charge of "waging war".

Men who deserted to the enemy, but do not also come into one of the above categories, will be tried solely for desertion.

All Blacks who are not brought to trial by Court Martial will be dismissed by the end of April.

3. It is estimated that the number of offenders to be tried under the various heads will be:—

(i) 15 to 20
(ii) 20 to 30
(iii) 10 to 15
(iv) 20 to 30
(v) 20 to 30

The intention is to complete the trials by the end of April but delaying tactics by defence counsel may retard this.

All sentences other than death will be confirmed.

It is probable that a proportion of the sentences of transportation will be commuted to shorter terms of imprisonment.

A rough estimate of the number in each category for which the death sentence is likely to be imposed, is:—

Offences in category (i) 10 to 15.
" " " (ii) 15 to 20.
Offences in categories (iii), (iv) and (v)—5 to 10.

On the assumption that approximately 120 persons are brought to trial, it is estimated that not more than twenty death sentences are likely to be confirmed, but it is not possible for obvious reasons to give a definite figure at this stage.

4. It has now been possible to assess the views held throughout the Indian Army regarding members of the INA and 950 Regiment. These vary according to the degree of knowledge available in different units but may be fairly summarised thus:—

(i) a few, who believe that the men were tortured into joining consider no punishment should be inflicted;
(ii) some, who have heard of the ill-treatment of loyal prisoners of war by members of the INA but who had not met that force in the field, think that those guilty of brutality should be punished and the remainder treated generously;
(iii) Many consider that officers who joined are particularly guilty;

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(iv) the majority view, however, is that they are all traitors and should be treated as such, though it is realised that it is not practicable to put all on trial.

5. I consider that, although the majority opinion is in favour of strong action, the Army as a whole will accept the policy of limited trials, dismissals (Blacks) and discharges (Greys). I am strongly of the opinion that, although men may be tried for other crimes, the general feeling throughout the Army would be that they must be tried as traitors also. I feel even more strongly that the Army would strongly resent any measure which would allow any member of the INA or of 950 Regiment, who has not proved himself to be "White", to remain in the Army.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/E/8/3821: f 154

No. 1184–G. THE VICEROY'S HOUSE, NEW DELHI, *2 November 1945*
Received: 7 November

My dear Pethick-Lawrence,
Your letter of 25th October[1] about Dalal's attitude to the "safeguard" sections in the Constitution Act has crossed two letters from me of 24th October[2] on the same subject. Dalal is intensely sensitive to criticism and apt to lose his head if he is criticized or attacked in public, especially in the Assembly. I have had two long talks with him about the "safeguard" sections, and I do not think I can do any more at present.

2. I agree that the industrial development of India is not being hindered by the safeguards. Dalal is pursuing two distinct objects which are not really consistent with one another—rapid industrialization and Indian control. To achieve the former object, the policy should be an open economy, low tariffs, and the grant to foreign enterprise of every possible inducement to develop efficient industrial concerns in India. The latter object can be achieved only by a closed or partially closed economy, high tariffs, and discouragement to foreigners. A compromise between the two conflicting policies is possible, but I doubt if Dalal has ever really thought it out. I also agree with you that business caution, bureaucratic control, and exchange difficulties are likely to hinder the industrialization of India much more than the statutory safeguards. I will mention these matters to Dalal when next an opportunity offers.

3. The "safeguards" are, as I am sure you appreciate, one of India's grievances. I think it a pity that they were included in the Act of 1935, and as

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long as they exist, a certain number of Indian business men will tend, for political reasons, to avoid business relations with Britain as much as they can. This tendency was evident between the Wars, and some Indian companies found themselves in trouble when their German and Czech technicians were interned, and they were unable to complete or maintain plant and equipment which they had ordered on the Continent. But the sentiment remains, and it is from this point of view that the controversy is important. I believe that as business men many leading Indians would like to do as much business as possible with the British, but resent the privileged position given to British firms.

Yours sincerely

WAVELL

[1] No. 169. [2] Nos. 163 and 164.

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Sir H. Dow (Sind) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/261: f 27

GOVERNMENT HOUSE, KARACHI, *3 November 1945*

D.O. No. 721/FR

5. In your letter of October 25th[1] you ask me for my views on the general political situation. I think it extremely disturbing, and that something must soon be done to counteract the readiness for direct and violent action which Nehru in the United Provinces, the Sinhas in Bihar, and Vallabhbhai Patel in Gujerat are deliberately encouraging. The most sinister symptom seems to be the admitted deterioration of service morale: it is not surprising in view of the fact that the Congress, who are clearly going to return to political power as the result of the elections, are openly expressing their intentions to victimise officers who did their duty during the 1942 troubles, whilst so far as I am aware nothing has been said openly on the other side to make it clear, either to these officers, or to the public, or to the Congress that such victimisation will not be permitted. The danger is greatest in the permanently settled districts,[2] where district officers' functions in quiet times hardly bring them into contact either with the masses of the people or with the leaders of political or any other kind of opinion: yet, when trouble comes, they are straightaway expected to wield enormous powers and responsibilities. In provinces like Sind and the Punjab, the young officer has hard work and great powers from his earliest years: he

[1] Not in India Office Library or Records.

[2] The Permanent Settlement, whereby the land revenue payable to Government was fixed in perpetuity instead of being subject to periodic revision, was introduced in Bengal and Bihar in 1793 by Lord Cornwallis. As a result government officials were not, as in other Provinces, continually brought into contact with the rural population in connection with the collection of the land revenue and the correct maintenance of detailed revenue records.

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knows everything that is going on around him and is the father and mother of his people, and is therefore much better fitted to cope with emergencies when they arise.

6. It is almost certainly true that the Congress leaders do not want trouble till the elections are over, but it is also fairly clear that they want to be in a position to launch a mass movement as soon as possible thereafter. They are probably banking on the removal of war-time legislation and the improbability of action being taken against the leaders under the ordinary law with any chance of success. The agitation to stop the I.N.A. trials is clearly being centrally directed and is becoming almost hysterical. Ordinarily an agitation of this kind does not arise until the accused have been convicted and it is sought to get them pardoned and reprieved. Possibly the Congress leaders suspect that the evidence led against these I.N.A. leaders may be not so much of treason or disloyalty, but of actual death, torture or gross indignities inflicted by them on other Indians. Disclosures of this nature the Congress might find it awkward to deal with without showing too much of their hand. It does appear that the Congress leaders are hoping to create such a wave of feeling in the country that no action can be taken against them without immediately provoking disorder on a wide scale.

7. I think it is true the Congress leaders' urge for the immediate seizure of power is due, not as they pretend to their disbelief of the British Government's readiness to hand over, but to their conviction that we are sincere. Everything therefore depends on them getting control of the administrative machine at once, whereas any kind of delay increases the likelihood of them having to share this control with other political parties who are not at the moment organised to the same state of efficiency. I notice that Birla, to judge from his most recent pronouncements, is getting a little frightened of the Frankenstein's monster he has helped so much to create.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/P&J/8/636: ff 60–1

SECRET THE VICEROY'S HOUSE, NEW DELHI, *4 November 1945*
No. 125/43
My dear Pethick-Lawrence,
Jawaharlal Nehru is in Delhi again to start the Congress election campaign and to assist in the defence of the members of the I.N.A. whose trial begins on 5th November. I asked him to come and see me, and had an hour with him on the

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morning of 3rd November. I enclose a copy of the note I recorded immediately after our talk. I began the conversation by telling him that His Majesty's Government, and I as Governor-General, were genuinely anxious for a settlement, but by constitutional methods and compromise, not violence. The intention was to endeavour to establish a "political" Executive Council at the Centre as a short-term measure, and at the same time to try for a long-term settlement. Our task would be made much more difficult both in the United Kingdom and in India if the elections ended in an atmosphere of racial and communal hatred and with a people excited to violence. I had been most disappointed at the tone of Nehru's speeches and statements, and that of the speeches and statements made by many other Congress leaders. It seemed to me that Nehru's policy, if he meant what he said, was to be a violent mass movement against constituted authority; the victimization of officials; and the refusal of any compromise with the Muslim League. What Nehru chose to say was his business, but I thought it fair to let him know that it was the duty of His Majesty's Government and myself to frustrate violence and the victimization of officials. I thought that a settlement to be workable must have the support or acquiescence of considerable sections of all the major communities and parties, and that Nehru's attitude to the Muslim League would make a settlement far more difficult. I appreciated the reasons for his bitterness and resentment; I had said at Simla that there was much on all sides to forgive and forget and I meant it. But Nehru must remember that the British, and a good many Indians too, had grounds for bitterness and resentment against the Congress. The British were prepared to forget their grievances against the Congress, and Nehru and the Congress should try to do likewise.

With this additional explanation of the line I took, I think my note will give you a clear picture of Nehru's attitude. I have no doubt that he is bent on serious trouble and that it will be very difficult indeed to divert him from his purpose except by repressive action.

Yours sincerely,
WAVELL

Enclosure to No. 188

NOTE ON INTERVIEW WITH PANDIT JAWAHARLAL NEHRU ON 3–11–45

SECRET

1. I had an hour's conversation with Nehru. I spoke to him on the lines of P.S.V.'s brief, emphasizing that the present attitude of himself and other leaders was likely to make a settlement extremely difficult; that no Government could continue to tolerate indefinitely incitement to violence or threats to its officials; and that the future of India must depend on some compromise between Hindu and Muslim.

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2. He replied to the last point first; and said that Congress could make no terms whatever with the Muslim League under its present leadership and policy, that it was a reactionary body with entirely unacceptable ideas, with which there could be no settlement. He said it was Hitlerian in its leadership and policy, and tried to bully everyone. He made the somewhat surprising claim that the general relationship between Hindu and Muslim was better than it had been for a long time and that the two communities had discovered that mob violence did not pay. I mentioned the Bombay riots, and he claimed that they had proved his point since they did not spread to the rest of Bombay; I suggested that a casualty list of 40 killed and many injured was some evidence of communal trouble, but he tried to claim it as merely the work of a few hooligans. Later on, when I argued that there must be some agreement between the main communities if we were to have a political settlement, he said that the Congress would never approach the Muslim League again, because of Jinnah's rudeness to their leaders, but if the Muslim League approached them they would be prepared to discuss matters.

3. On the issue of the victimization of officials, he admitted having named five officials of the Ballia district, and claimed that their actions had justified him in doing so. I pointed out that a general attempt to threaten police and officials was going on in many parts of India, and was creating a deplorable atmosphere. His only answer was to say that if officials behaved as those in Ballia district had done, he could not avoid preaching against them.

4. He practically admitted that he was preaching violence, and that while he deplored violence, he did not see how violence could be avoided if legitimate aims could not be attained otherwise. I warned him that the preaching of violence must eventually lead to violence, and that such violence would be likely to lead to violent counter-measures. He talked in vague terms of the psychology of the masses, the evils of foreign rule, the general uprising of the peoples of Asia, and so forth. I left him in no doubt that the Government were bound to take the necessary measures to prevent violence.

5. Towards the end he indicated, though he did not actually say so, that Congress was likely to refuse to take office in the Provinces, except under a Central Government which they controlled or approved. I said that it was the policy, as he knew, of H.M.G. and myself to form a Government at the Centre, but that the present attitude of political leaders was not going to make it easy.

6. He finished by asking what had been the result of my reference to the Supreme Commander of his request to be allowed to proceed to Java. I told him that the Supreme Commander had agreed with me that such a visit was inadmissible in present conditions, and that I thought a reply to this effect had already been sent him. He then asked what would be the attitude towards a

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request to visit Burma, for himself or for members of the defence committee of the I.N.A., to collect evidence; I said that this would be a matter for the Government of Burma.

7. Nehru's attitude was quiet and friendly throughout, and I cannot help liking him. But he seems to me to have reached the state of mind of a fanatic, and is quite incapable of considering any views which do not coincide with his own. I am afraid that his mood is dangerous to peace, and I think he realises this himself and regards a conflict as more or less inevitable. He did not mention the I.N.A., nor did I.

W., 3-11-46

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Mr Casey (Bengal) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/152: f 41

No. R.G.C. XXV GOVERNMENT HOUSE, DARJEELING, *5 November 1945*

3. *The Congress Party's Revenge for 1942*

I have seen in reports from other provinces (and particularly in para. 2 of the Bihar Government's fortnightly report for the first half of October)[1] mention of the retribution which the Congress Party intend to take on return to office on those officers both British and Indian most closely concerned with putting down the disturbances of 1942. You have also mentioned this to me in your letter of October 12th.[2] Although outbursts of the type indulged in by Jawaharlal Nehru and others are likely to have an unsettling effect on our own officers and police and on well disposed members of the Hindu Community—we have, fortunately, had no such threats of victimization here so far. Jawaharlal Nehru seems to be behaving very strangely. Unless he is trying to work up a crisis of the 1942 sort, I cannot see his point. Presumably he intends what he says to be taken seriously,—if so, the future looks gloomy.

[1] L/P&J/5/180. [2] Not in India Office Library or Records.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET
No. 41

THE VICEROY'S HOUSE, NEW DELHI,
5 November 1945

Thank you for your letter of 26th October.[1] Political excitement is increasing and I can see no hope of a change for the better. I sent you by Sunday's bag an account of my talk with Nehru on 3rd November,[2] and I think the Cabinet should now be informed of the dangers ahead and asked to consider how we should deal with them. I am sending by this bag a separate appreciation which I think you should circulate to your colleagues.

You are right in thinking that Muslim dissensions may make things difficult for us after the elections. Jinnah has spoken confidently about the prospects of the Muslim League, and I am told that he attaches more importance to the number of seats the League can win both in the Central Assembly and in the Provincial Assemblies than to the ability of the League to form Ministries in the Muslim majority Provinces. The old argument will no doubt be brought up that in Bengal and the Punjab, and possibly elsewhere, the composition of the Provincial Assembly does not reflect the predominance of the Muslims in the population. In the meantime communal bitterness is increasing, and there have been at least two communal clashes in Bengal in connection with the Dusehra celebrations.

There will be many unopposed returns to the Central Assembly, and I understand that there is some discontent at the dictatorial attitude of the Congress and the League. Party members are expected to accept the selections of the High Command without question, and opposition by independent candidates or by candidates put up by minor parties or interests is considered hardly worth while. There seems to be no doubt that Congress will capture most of the "General" seats—that is in fact the Hindu seats; widely different accounts are current about the prospects of the Muslim League, but a good many people seem to think that in the Punjab they will win about half the Muslim seats.

2. The Congress and the nationalist Press are still concentrating on the I.N.A. trials. The attitude of Congress being what it is, I am not sure that any action we might have taken in advance would have been effective in forestalling Congress propaganda and producing a favourable or even a fair atmosphere for the trials, but we were undoubtedly slow off the mark. During the war, and especially while India was threatened with invasion, we decided for obvious reasons to say as little as possible about the I.N.A. But once India

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was out of danger we ought to have begun to feed the Press with correct information, and some at least of the nationalist newspapers might have committed themselves, if not to condemnation of the I.N.A., at least to a more critical line. We failed to do this, partly because the war ended much sooner than any one expected; and editors of almost the whole of the Indian Press are now committed to the theory that those who joined the I.N.A. were the only true patriots. The implication is that the loyal soldiers of the Indian Army were the reverse; and praise for the Indian Army is rare and is resorted to only when it fits in with a political argument, e.g., when it is suggested that the Indian soldier is ill-treated and will be given his rights to the franchise, to better pay and promotion, etc., only under a National Government.

3. Gandhi is said to be in poor health and judging from Press reports has said and done very little during the past few weeks. He wrote to my Private Secretary on 29th October[3] about the I.N.A. trials and I am sending by this bag a copy of his letter and of the reply sent to it. He has also written recently[4] to my Private Secretary about the mercy petitions of two Bengalis who had been sentenced to death under the Enemy Agents Ordinance. The men concerned had actively aided three Indian spies landed by a Japanese submarine. One of these three men committed suicide, and the other two were tried and sentenced to death with the two men in whom Gandhi was interested (one of whom married a niece of Subhas Chandra Bose). After going into the case, which came to me in the ordinary course, I decided to commute all the sentences to transportation for life, and Gandhi has been so informed. He has continued his correspondence with my Private Secretary, to which I have referred in an earlier letter, about the exemption of Khadi shops from Provincial control, but his latest letter[5] is of no particular importance.

On 10th October he sent my Private Secretary a statement by one Sheel Bhadra Yajee alleging that he and others had been ill-treated while detained in the Red Fort at Delhi. I am sending a copy of this correspondence[6] by this bag. I am satisfied from the enquiries so far made that the allegations are in the main untrue, but the Home Member is going into some of the points for me, e.g., the nature of the accommodation provided, and the conditions in which interrogations are conducted. In dealing with dangerous revolutionary movements interrogations of some length and severity cannot be avoided, but there must be adequate supervision over the proceedings, which may otherwise develop into a routine of an undesirable kind.

4. Some months ago the Government of India appointed a Committee to consider Frontier problems—particularly the respective rôles to be assigned

[1] No. 171. [2] See No. 188. [3] No. 175. [4] Not traced in I.O.R. or Wavell Papers.
[5] Dated 29 October 1945. Wavell Papers, Official Correspondence: India, Jan.–Dec. 1945, pp. 359–60.
[6] L/P&J/7/8460.

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to the regular forces and to the armed civil forces, and the extent to which the former might be replaced by the latter. As always when the Frontier problem is discussed the question of disarming the tribes was brought up. Three members of the Committee thought a declared policy of disarmament out of the question. They favoured economic and social infiltration, leading, it is hoped, up to gradual disarmament. The minority of two members, including Major-General Tuker, the Chairman, and his Air Force colleague, held that there must be a declared policy of immediate disarmament to be carried out in the first instance in Waziristan. The Commander-in-Chief was inclined to support the minority view; Cunningham and Caroe advised that tribal disarmament could not be considered in isolation, but only with reference to our relations with Afghanistan and to the political situation in India, and felt that the present time would be most inopportune for an open conflict with the tribes. I discussed the problem with the Commander-in-Chief, Cunningham and Caroe on 31st October and we agreed that an open policy of disarmament could not be pursued at present. The Commander-in-Chief is anxious to withdraw regular troops from Waziristan and the Khyber and to substitute Scouts and Khassadars for them. He will now submit proposals for this change, which Cunningham and Caroe think may be feasible, if done gradually. There are a good many details to be discussed about the future armament of the various civil forces—Scouts, Khassadars, and Frontier Constabulary, and their relations with the regular forces. The General Officer Commanding-in-Chief, North-Western Army, must, as before, have complete responsibility for regular military operations on the Frontier and must be kept in close touch with any action by the civil armed forces likely to lead to such operations.

[Para. 5, on the Executive Council's decisions regarding the use of funds accumulated to help members of the Indian fighting services after the war and on the future of ordnance factories and government owned plant and machinery acquired for war production, omitted.]

6. Azizul-Haque told me the other day that he had now definitely decided not to return to Bengal politics and thought it his duty to remain in the Executive Council at present. I rather think that his reception by the Muslim League was less cordial than he expected. Suhrawardy seems to be in control of the Party in Bengal, and doubtless has friends of his own for whom he wishes to provide. In the meantime, Dalal seems a little shaky. He is worried about his health, is not getting on well with some of his colleagues, is quick to take offence and to get excited about comparatively trifling difficulties, and is nervous about the future. As you probably know he was a Civil Servant for 25 years before he started his successful business career, and he finds the political side of his work as a Member of Council very trying. I shall not be surprised

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if he asks to resign, alleging either ill-health or the extreme difficulty of getting anything done with the present Central administration and in present political conditions. I do not think he will wish to be caught in office when the Congress attack on the administration begins in earnest.

[Para. 7, on a successor to Sir O. Caroe as Foreign Secretary and the appointment of a Minister in Kabul, omitted.]

8. I have referred to Khare the suggestion in paragraph 4 of your letter that we might now suggest the appointment of an Indian High Commissioner in Canada. Dalal received the impression in Canada that the Canadians would welcome closer contacts with India, and thought that we might get a good deal of help from them in technical and industrial matters.

9. I shall be interested to hear what happens about the Delegation of Members of Parliament. I have replied to your telegram about Brailsford[7]—visitors with strong pre-conceived ideas about this country may be rather a nuisance during the next few months.

[Para. 10, on the proposed Indian Art Exhibition in London; and para. 11, on the Punjab–Sind dispute on the distribution of the waters of the Indus, omitted.]

12. There is a good deal of concern about Palestine, and the Muslim League gave much publicity to the celebration of "Palestine Day". The delay in the Prime Minister's announcement has been unfortunate—I think an announcement in the form contemplated[8] would do something to relieve Muslim feelings here.

I hope that it is not intended to treat the Grand Mufti as a war criminal, and try him. He is a man of some craftiness but little real character, and will not be dangerous except as a martyr. If he can be kept in retirement somewhere outside Palestine, and if possible outside the Middle East altogether, it would be the best solution.

13. The reactions to the Soulbury Report have been very much what I expected. Khare still hopes that Mudaliar will be able to secure some concession to Indian opinion at the drafting stages and is sending home Pai, an official from his Department, to help Mudaliar in London.

[7] Tel. 555 of 31 October in which Lord Pethick-Lawrence supported Mr H. N. Brailsford's request to visit India and suggested that 'taking a broad view it will be valuable to have a recognised high grade Labour journalist in India during and after the elections'. In tel. 1928-S of 4 November, Lord Wavell did not object to Mr Brailsford's visit but felt it required a very broad view to believe that his presence would make the task of keeping law and order any easier. L/PO/10/18: ff 213–14.

[8] The announcement was to state that the U.S. govt had been invited to agree to the formation of a joint Anglo-American Committee of Enquiry to consider the Jewish position in those areas of Europe under their occupation and, *inter alia*, 'to examine the possibility of relieving the position in Europe by immigration into other countries outside Europe'. Tel. 23327 of 21 October from S. of S. to G. of I, External Affairs Dept. L/P&S/12/3358. See also *Parl. Debs.*, 5th ser., H. of C., vol. 415, 13 November 1945, cols. 1927–32.

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Aney is upset at the recent attacks on him by one of the Ceylon Ministers. Aney had asked some months ago for certain statistics about the Co-operative Societies in Ceylon. He wanted these statistics in order to consider the effect of the Co-operative movement on the interests of Indian traders. But there was nothing secret or confidential in them and they could have been obtained within a reasonable time from Government publications or standard books of reference. The Minister concerned sent no reply, and early in September attacked Aney in the State Council, and said that the Government of India were always interfering with the internal affairs of Ceylon. Aney somewhat injudiciously referred to this incident in a speech at Jaffna, and later, on 25th September, both the Home Minister and the Leader of the State Council repudiated the line taken by their colleague, and said that he had acted on his own responsibility and without authority from the Ceylon Government. I have thought it best to treat this incident as officially closed, but have written personally to the Governor asking him to do what he can to ensure that our representative is protected from official attack.

14. There is no change in the food situation. Hutchings, who has been to Burma and Kandy, reports that the prospects are poor, partly owing to transport difficulties. I am sending a copy of his note on his Kandy visit by this bag.

15. I have looked into the question raised in paragraph 3 of your letter about the possibility of releasing prisoners who are serving sentences of imprisonment for offences committed during the 1942 disturbances. It is very difficult to say that among those who remain in prison there are none who are not guilty of crimes of violence or acts of sabotage "going right outside non-violent political activity". According to information collected during the summer there are in prison 338 persons serving sentences for offences in connection with the Congress movement not involving violence. But the form in which the information was collected did not require the submission of separate figures for saboteurs, and others who have committed serious offences, such as attempts to seduce members of the Armed Forces from their allegiance, and it is likely that the 338 include some of these. There is no doubt that the persons still in prison in connection with the 1942 disturbances committed serious offences and should not be released prematurely. I have not asked Provincial Governments for fresh information and in present conditions should prefer not to do so unless you particularly wish it. In the ordinary way prison sentences, other than those of transportation for life, are served out without review, subject to the ordinary Remission Rules, which give convicts a standard remission of sentence for good conduct.

16. You asked me in paragraph 2 of your letter of the 12th October[9] about the polling system in the Punjab and whether it could not be altered on the

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lines suggested by Mr. Woodrow Wyatt in his letter of 8th October. I enquired from Glancy about this and he and his Premier are strongly against a change principally on the grounds that the present system is fully understood and that a change to a new system would only cause confusion. The matter is one for Provinces; and though if these were the first elections in India it might be desirable to secure uniformity, any attempt in this direction would clearly be unwise now when different practices have grown up in different Provinces. I understand that the Muslim League have asked that there should be green boxes for Muslim League votes. Possibly this will be accepted in some Provinces, but for the reason given above the Muslim League will have to make their own representations to the Provincial authorities, and in the Punjab the arguments advanced against any such system seem to me convincing. I am sending in this bag a copy of the Governor's Secretary's letter and a copy of his enclosure which gives a discussion of the whole question contained in a letter from the Reforms Commissioner, Punjab, dated 1936.[10] The system of polling in the Punjab has not been invented by the Unionist Party for its own benefit; the method was decided before the present constitution came into force.

7 November

P.S.—The General Court Martial of the three I.N.A. officers has been adjourned for a fortnight after a two-day hearing. The adjournment is to allow the defence to interview witnesses who could not be made available so far. The proceedings seem to have been dignified and so far the defence counsel have been content to behave quietly. The trial is being given a great deal of attention in the Press and indeed the local Congress paper the *Hindustan Times* contains little else. I am sending by this bag a complete set of cuttings from the issue of 6th November. You may care to glance through these; they will give you a good idea how the trial is being used to glorify the accused as national heroes.

[9] No. 140. [10] See L/P&J/8/472.

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Sir H. Lewis (Orissa) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/235: f 25

Report No. 21 GOVERNMENT HOUSE, CUTTACK, *6 November 1945*

2. Congress continue to have the field entirely to themselves. The Radical Democrats have no following, but have produced an electoral manifesto, which is about as far as they will go. The Communists are not able to keep

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their end up, but may later contest a few seats in the provincial elections. Pandit Godavaris and a handful of ex-Congress personal followers hope to use their local influence in a few constituencies in spite of the very poor prospects of success. The landholders have either gone to ground or are trying to get into the Congress. No attempt up to date is being made on their part to form a group or party of their own based on their representation in the last Assembly. It is artificial to describe as electoral propaganda the stream of anti-British and anti-official abuse put out by Congress speakers obviously in terms of instructions from their own headquarters. They repeatedly emphasize that Congress remains a fighting organization which does not hope to obtain the freedom of the country without further struggle. If I may say so, I think you have good reason for the comment in the first paragraph of your letter to me dated the 29th October[1] that the recently issued Congress Party's election manifesto supports the belief that they may intend a further mass movement after the elections. There is a great deal here in the more narrow setting of this province that points in the same direction. The elections can provide a solution only if they lead to a Hindu–Muslim rapprochement, but on the contrary they are likely to precipitate bitterness between the two communities. Nor can Congress really hope that in the absence of agreement there will be a settlement imposed in their favour by His Majesty's Government on the basis of the counting of heads. Hence their preference for maintaining the role to themselves of a dissatisfied revolutionary party and in present circumstances a party on which for general considerations no restraint or limitations may be placed. Of that full advantage is being taken.

3. It is not easy to arrive at a correct appreciation of the real effect of all this either on the public or on service morale. There is for many a great deal of perplexity, particularly as regards the war aspects. In order to win the war it was necessary to confine the Congress because of its anti-war attitude. When Victory has been won power is to pass not to those who worked for Victory but to those who impeded it. We would certainly be living in a fool's paradise if with all this ferment in Asia we thought we were in for an easy time in India. There are, however, no present indications of service morale being seriously affected. Much of what is said in political speeches is discounted as platform propaganda, and, as many of the Congress supporters have their relations in Government offices, and the Government officers have their relations in the Congress, they tend to think that there is not very much in it after all. Hence some of the more serious aspects pass unnoticed.

[1] Not in India Office Library or Records.

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Lord Pethick-Lawrence to Sir S. Cripps

L/P&J/8/471: f 77

INDIA OFFICE, *6 November 1945*

My dear Stafford,
I am very loath to *order* the Viceroy to *order* the Governors to remove organisational ban on the Congress Socialist Party[1]—particularly in Punjab which has representative Govt. But my own impression is that it serves no useful purpose and I propose to write him further on the subject shortly.[2]

Yours,
PETHICK

[1] See No. 182.

[2] In tel. 24487 of 6 November, Mr Patrick asked Sir R. Tottenham for a full summary of the grounds on which the ban on the Congress Socialist Party was held to be justified. Mr Porter sent this to Mr Patrick in tel. 9617 of 17 November. L/P&J/8/471: ff 75, 72.

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Lord Pethick-Lawrence to Mr Casey (Bengal)

L/P&J/8/670: f 25

SECRET INDIA OFFICE, *6 November 1945*

There have recently come to my notice allegations in regard to the maltreatment of arrested persons while in the custody of subordinate officials of the Indian Police. It is said that such persons are frequently "beaten up" by the Police prior to being brought up before a Magistrate; and I am told that evidence of this is to be seen in the marks on the bodies of men handed over by the Police to magisterial custody.

These allegations relate primarily to the Provinces of Bengal and Bombay; and I am therefore writing to consult you and Colville[1] in regard to them.

I have discussed the question with those of my Advisers who have had experience of the administration of law and order in India. They do not deny that cases can and sometimes do occur in which prisoners are subjected to physical violence while in the hands of the Police. On the other hand, they point to sections 61 and 81 of the Criminal Procedure Code as showing that it is incumbent upon the Police to bring arrested persons before a Magistrate as soon as possible; and to section 167 as showing that in cases where the accused

[1] A copy of the similar letter to Sir J. Colville is on L/P&J/8/670.

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are remanded for further enquiry, the Magistrate is subject to certain restrictions and safeguards in regard to their detention in Police custody.

Moreover, they tell me that in most, if not in all, Provinces, there is an executive instruction to the effect that a Magistrate must ask every prisoner, when first brought before him, whether he has any complaint to make. If the prisoner alleges maltreatment by the Police, all proceedings in the case must cease at once and the Magistrate must forthwith take cognizance of the allegations made and institute an enquiry.

In these circumstances I am advised that, so far as proceedings under the Criminal Procedure Code are concerned, there is not much opportunity for the Police to indulge in physical violence towards persons in their charge and much risk for themselves if they should do so. But it is possible that the treatment which gives rise to these allegations may sometimes occur at a stage of the investigation prior to regular arrest, e.g. when the police require the attendance of a suspect for the purpose of tracing stolen property or for interrogation. It is true that in such cases the accused would (or should) have his opportunity of complaint when ultimately produced before a Magistrate, but if there were any question of remand to police custody he might be afraid to speak. Malpractices of this nature can, of course, be prevented only by strict supervision of the higher officers and the vigilance of the Magistrates, and will no doubt tend to disappear as the standards and training of police investigating officers are improved. I am advised that much progress has already been made in this direction, but I should be glad to know whether any special attention has been given in your Province to this aspect of the matter. I should also be grateful for your views on this question generally, and for any information which you or your Inspector-General of Police can supply, so that I may be fully briefed to reply to any further allegations of this kind.

PETHICK-LAWRENCE

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/P&J/8/525: ff 404–7

TOP SECRET THE VICEROY'S HOUSE, NEW DELHI, *6 November 1945*
No. 125/48 *Received: 12 November*

My dear Pethick-Lawrence,

In recent letters and telegrams, I have mentioned my concern at the sudden rapid deterioration in the political situation, and I have sent you, by the bag of 4th November, an account of my interview with Nehru.[1] I am now clear about the probable course of events, and I feel that not only should the Cabinet

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be informed of what is happening and is likely to happen, but that the general position should be disclosed to the country by a statement in Parliament.

I enclose a memorandum which may help you in stating the case to your colleagues. I should like it circulated to the Cabinet, if you agree.

Yours sincerely,

WAVELL

Enclosure to No. 194

MEMORANDUM.

TOP SECRET

We are now faced in India with a situation of great difficulty and danger, in which I require support and guidance from His Majesty's Government.

2. Since the session of the All India Congress Committee (21st–23rd September) the Congress leaders everywhere, but particularly Vallabhbhai Patel in Bombay and Nehru and Pant in the United Provinces, have been making statements and speeches which can only be intended to provoke or pave the way for mass disorder. They began by taking the credit of the 1942 disturbances; asserting that the British could be turned out of India within a very short time; denying the possibility of a compromise with the Muslim League; glorifying the I.N.A.; and threatening the officials who took part in the suppression of the 1942 disturbances with trial and punishment as "war criminals". From these general attempts to excite racial and communal hatred, they have now passed to a disclosure of their programme, which is, briefly, to contest the elections, to serve an ultimatum on H.M.G., and, in default of its acceptance, to organise a mass movement on the 1942 lines but on a much larger scale.

3. The Congress, as a body, would almost certainly deny, in spite of the speeches of members of the Working Committee, that violence is any part of their official creed. But either there is a secret policy which includes use of violence, or the more extreme leaders are out of control. Gandhi's influence is believed to be on the side of moderation but he has said and done practically nothing for weeks, and his friends are believed to be seriously worried about his health. Whether he will attempt later to control the extremist Congress leaders I do not know; but if, as I suspect, they are taking their line from the rank and file of the party, he may be unwilling or unable to do so.

4. At any rate there is nothing secret about the intentions of Nehru and Patel; and as they are, after Gandhi, by far the most influential of the Congress leaders, the others are taking their line from them. In a recent speech at Bombay, Patel said that "Congress was not going to sit quiet after the elections and wait on the convenience and pleasure of the British Government. The Congress

[1] Enclosure to No. 188.

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would demand an immediate and final solution . . . If such a solution was not forthcoming . . . sure as day follows night there would follow another struggle . . . When the time for action comes and the time for action may come soon, we must be able to act as one man . . ." Nehru said a day earlier that "revolution is inevitable".

5. In order to make sure that there was no misunderstanding I saw Nehru on 3rd November, and pointed out to him the danger of the course he and other leaders were advocating. He made it clear that he thought violence inevitable, and shortly after our interview delivered an inflammatory speech of the usual kind. I believe that the Congress are counting on the I.N.A. as the spear-head of their revolt; they would suborn the Indian Army if they could, and they hope that their threats will impair the loyalty and efficiency of the Police. They have been encouraged by events in French Indo-China and Indonesia which they are watching carefully; and a good deal may depend upon what happens there and in Syria and Palestine.

6. The object of the rising the Congress leaders have in mind would be the expulsion of the British. Whatever the leaders themselves might say publicly, there would be organised attacks on the railways and public buildings, treasuries would be looted and records destroyed. In fact Congressmen would attempt to paralyze the administration, as they did in 1942; they would also attack and possibly murder any officials, British and Indian, on whom they could lay their hands. In a recent speech Nehru has given special praise to the people of Ballia, a District in the United Provinces, in which the rioters managed to paralyze the administration for a few days in 1942; he named and threatened five British officials who restored order there.

7. It is in my judgment unlikely that the Congress leaders will attempt their *coup* until all the Provincial elections are completed, unless events force their hand. I doubt if they are much interested in the elections as such; what is more important to them is the opportunity afforded by the elections to revive and re-organise the Party, and they are already taking full advantage of this opportunity. The tone of the nationalist Press has perhaps never been worse, and there is no doubt about the growth of Hindu enthusiasm for the Congress. It is probable that there may be communal disorder on a large scale before the Provincial elections, and it is possible that in Provinces such as the U.P. and Bihar, anti-Government disorders may begin before the Congress leaders intend.

8. I must accordingly, with the utmost gravity, warn H.M.G. to be prepared for a serious attempt by the Congress, probably next spring, but quite possibly earlier, to subvert by force the present administration in India. Half measures will be of no use in dealing with a movement of this kind, and the choice will

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lie between capitulating to Congress and accepting their demands—whatever they may be—and using all our resources to suppress the movement.

9. The main Congress demand would, I suppose, be the grant of immediate independence to India under a Government selected by the Congress High Command. This has been the aim of Congress policy for years, and it is clear that nothing short of it would satisfy Nehru and Patel. I do not imagine that His Majesty's Government will wish to yield to force or threats of force; nor can we lightly divest ourselves of our obligations to the minorities. I assume therefore that there will be no question of the acceptance of a Congress ultimatum.

10. If this assumption is correct, we must be prepared to suppress the movement, and to suppress it this time with great thoroughness. I am aware of the extreme difficulty of this course; it would involve the use of a considerable force of British troops; probably the declaration of martial law over parts of the country; the detention of a large number of persons without trial or trial by special courts; and the suppression for an indefinite period of the Congress Party. All this would be most unsatisfactory, but the alternative is to hand India over to a single party—admittedly the strongest and the best organised in the country, but consisting mainly of caste Hindus and experienced in nothing but agitation. If we handed over British India, it would be impossible for us to fulfil our obligations to the States, the rulers of which have loyally supported us.

11. We should be justified in moving against the Congress now, on the information already available. The Party is not yet fully re-organised and its immediate suppression would be relatively easy. Moreover, immediate action would rally those Indians who have hitherto supported us, and would put heart into the Services. The British members of the I.C.S. and I.P. are dispirited and discontented; the Indian members of these services are uneasy about the future and under strong political and social pressure; while the Indian subordinates on whom the administration so largely depends are naturally reluctant to make enemies of the future masters of India.

12. But I do not recommend immediate action, unless it is forced on us before the elections by actual disorder. To abandon our programme now would be to invite criticism all over the world, and to stimulate the general doubts about our good faith. I am afraid that we must wait for the present, and prepare to act quickly as soon as we are compelled to do so. The dangers of inaction are grave, since the capacity of the administration in rural districts to stand up to serious disturbances is largely a matter of morale, and service morale is now bad in many districts and is being steadily undermined.

13. I am convinced that His Majesty's Government should at some very early date make it clear (i) that they are aware of the gravity of the Indian situation; (ii) that they do not intend to permit the use of force by any political

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party and will suppress disturbances by every means; (iii) that they will support against political attack officials who have done their duty; and (iv) that they will provide me with the resources I require to keep the peace. A statement on these lines might bring some of the less hysterical Congressmen down to earth, and would certainly put heart into the Services. It is in fact essential, in my view; and it is just possible that it might bring Congress to its senses and prevent the violent movement which I apprehend.

W.
6–11–1945.

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Mr Abell to Mr Gandhi

L/P&J/7/8460: f 8

No. 1141 *6 November 1945*

Dear Mr. Gandhi,

His Excellency has seen your letter to Sir Evan Jenkins of 29th October[1] about the trial of certain members of the I.N.A. He asks me to say that he notes your views, and presumes that they are based on articles appearing in the newspapers, in which the facts are not always correctly stated. His Excellency naturally cannot express an opinion on the merits of cases which are *sub judice*.

Yours sincerely,
G. E. B. ABELL

[1] No. 175.

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Maulana Azad to Field Marshal Viscount Wavell

Wavell Papers. Official Correspondence: India, January—December 1945, pp 365–8

ALL INDIA CONGRESS COMMITTEE,
SWARAJ BHAWAN, ALLAHABAD,
7 November 1945

Dear Lord Wavell,

I have to thank Your Excellency for your letter of October 27th, 1945.[1] I appreciate the frankness with which you have expressed yourself on the question of relations between Congress and the Government, and I propose to place before you my views and feelings with equal frankness. I trust you will take my observations and remarks in the spirit in which they are offered.

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I would like at the very outset to draw your attention to the fact that we were all released on the 15th of June this year, after incarceration of about three years. The condition of detention is such that it is naturally bound to weigh upon one's mind, and in our case our irritation and anger was enhanced by the reports of events and incidents outside. Some of us suffered in addition from deep personal loss and sorrow. All these factors, it was inevitable, should induce a state of mind that would not but express itself the moment we were released. Emotions that were long and forcibly suppressed, sought and found echo in the feelings of our countrymen from whom we were [had] so long been separated.

Bitter feelings were almost inevitable in such circumstances, and yet, I believe, you will admit that I made a strong effort to forget the past and shape our action in the light of changed circumstances, and the Working Committee was fully with me in these efforts. You know that I along with my colleagues accepted the invitation to the Simla Conference in the hope that this marked a new phase in the history of Indo-British relations. The Congress worked for an improvement of the atmosphere, and went to great lengths for an amicable settlement.

You are aware that the Congress has always taken a very strong stand on the question of the veto of the Governor-General, and this was one of the chief reasons for the rejection of the Cripps offer. The offer made by you did not satisfy the Congress demand on this point, but even this was not allowed to stand in the way of Congress' attempt at peaceful settlement. You will, I believe, yourself admit that there was neither rancour nor recrimination in the Congress attitude; and if the Simla Conference failed, this was not on account of the Congress, but in spite of it.

In spite of the failure of the Conference we believed that the contacts established between the Congress and the Government had largely allayed past bitterness, and marked the beginning of a new chapter of confidence and goodwill.

As a result of these contacts, the people naturally hoped that there would be an immediate change in the Government's attitude to Congress, the ban on the A.-I.C.C. and other Congress organisations would be lifted and all political prisoners released, in order to create a new and better atmosphere. It was for this reason that, before I left Simla, I wrote to you on the 16th July,[2] and urged that in order to maintain improvement in the atmosphere, you should take steps for immediate release of political prisoners and detenus. I am confident that if this had been done, the changed atmosphere would have led the people to forget past conflict and bitterness.

Soon after this the results of the general elections in Britain were published, and the Labour Party came into power. Some of my colleagues were inclined to believe that Labour's accession to power was of little import to us. But I was

[1] No. 173. [2] Vol. V, No. 614; the date should be 15 July.

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of a different opinion, and felt that we should not judge the Labour Cabinet without a trial. Accordingly I welcomed the new Cabinet and sent my congratulations to some of its members.

Events since then have not justified my hopes. No change in the Indian policy was felt, and the administrative pattern shows little signs of change. Even at the time you announced the General Elections in your broadcast of August last, the ban on the A.-I.C.C. was not removed, and my repeated representations for a general release of all political prisoners was unheeded.

All these facts, viz., the failure of the Simla Conference, and the circumstances in which it failed, the absence of any marked change in the Indian policy even after the change of government in England, and above all the continuation of the old attitude of distrust to the Congress organisation could not but influence the attitude of political workers.

The Labour Party have said again and again that they want the chance of solving the Indian problem peacefully. They have now got the chance; and I am prepared to do everything possible for the creation and maintenance of a peaceful atmosphere. But my hands must be strengthened if I am to be able to carry my countrymen with me. It is obviously impossible for me to do so unless the Government also prove by their action that they want to create the atmosphere for such a peaceful change. There must be a wiping of the slate, and we must start afresh. The continued incarceration of even one political prisoner offends against such an atmosphere and acts both as reminder of the past and an irritant in the present.

There are two other matters to which I would like to refer. The first is in respect of your reference in paragraph 2 (*a*) and (*c*) to the ban on the Congress Socialist Party. You have quoted an extract from a document alleged to have been written by the General Secretary of the Congress Socialist Party, and expressed your surprise at my insistence on lifting the ban on it. You yourself say that the passage is "attributed" to the General Secretary of the Congress Socialist Party. In other words, even the Government have no definite proof on the point. It is obviously impossible for the Congress to take any decision in the absence of fuller and clearer information. On the other hand, the declared creed and policy of the Congress is well-known. No member can go against them, and if anyone does, the Congress has power of taking disciplinary action against him. You will remember that the Congress has not hesitated to take such action against some of its most prominent members, when circumstances warranted such action. The Congress Socialist Party was formed within the ægis of the Congress, and has never repudiated the Congress creed and policy. If the passage quoted by you is really an expression of its policy, this would be in direct conflict with Congress, and the Congress would not hesitate to take necessary steps against it. This cannot, however, be done so long as the C.S. Party is under a ban and its leaders in jail. Once the ban is removed and the

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leaders released, the party would either conform to Congress creed and policy or deviate from it. If it did deviate, the Congress would itself take necessary action against the party.

I come finally to the extracts you have enclosed of speeches and statements by different Congress leaders. The first two are mine, and I will deal with them first. Soon after my release, I was interviewed by a representative of *The Statesman*, Calcutta. He drew my attention to the repeated Government declaration since 1942, that there could be no understanding with the Congress, so long as the Congress thought in terms of a mass movement during the period of war, and asked what our attitude would be, if the Simla Conference failed. My reply was that there should not be a mass movement in the war period. Here, there was a clear indication of our desire not to embarrass the Government during the continuation of the war, and I fail to understand how this can in any way justify the absence of goodwill on the part of the Government.

The second extract is very much in the same spirit. This was no speech or statement of mine, and I could not at first recollect it. On looking up the *Amrita Bazar Patrika* of 27th July I found that some persons had come to see me, and it is their report of the interview. Asked about Congress attitude towards violence and non-violence, I made it clear that the Congress would depend only on non-violent mass movement for achieving its ends, but in any case, there should not in my opinion, be any such movement during the period of the war. If, however, the aim of independence cannot be realised through negotiation and settlement, Congress must face the task and take steps to strengthen the masses for any future contingency after the war. Surely nobody can expect Indians to declare that whatever be the situation in the future, they will never initiate or join a struggle for achieving their freedom.

The quotations from the speeches of my colleagues only confirm what I have said earlier in my letter. It is patent that the last three years are full of the record of conflict and discord. In an atmosphere of "forgive and forget" these memories would soon fade; but in its absence it is elementary human nature that there should be a revival of bitter memories.

I want to impress upon you that I have not approached this question in a spirit of diplomacy or political bargaining. I have expressed what is in my heart and my reading of the times makes me feel that a peaceful and honourable settlement of the Indian question is possible and all my efforts shall be directed to that end.

There is one small point to which also I desire to draw your attention. All my letters are still being censored, causing unnecessary delay in all my correspondence. Letters are delivered to me three or four days after they are due and there are marks of tampering in many of them. This is annoying at any time and more so during an election campaign. I could not attend the meeting of the Central Congress Parliamentary Board and had to decide many questions through

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correspondence. You can easily understand the inconvenience and interference by delay of three or four days on either side.

In conclusion, I must apologise for the length of the letter and the intrusion upon your valuable time, but I trust you will not mind this in view of the importance of clarity in discussing the attitude and policy of the Congress.

Yours sincerely,

A. K. AZAD

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/P&S/13/1827: ff 366–9

SECRET INDIA OFFICE, *7 November 1945*

You will remember that at the meeting of the India and Burma Committee on the 11th September,[1] you raised the question whether we should not make a frank statement to the Princes about the limits within which the British Crown will in practice be able to fulfil its treaty obligations to the Indian States in the changed conditions which must now be contemplated. This matter was further considered by the Committee at a recent meeting[2] when the tentative conclusion was reached that the time is not yet ripe for any formal statement. Such a statement it was felt would have to be drafted with great care and it would of course have to be considered by the full Cabinet. We should have to be clear in our minds about the background in the shape of all-India constitutional and political developments against which it should be framed. It may well be that we shall find ourselves forced to the assumption that His Majesty's Government, having *ex hypothesi* handed over general control to the new Government which it is hoped will emerge from the discussions of the constitution making body, will not in fact be in a practical position to protect either adhering or non-adhering Rulers except in so far as may be provided in a freely negotiated treaty between His Majesty's Government and the new Union. One difficulty in particular may be that while in the last resort the protection of States depends on the use by the Paramount Power of troops, and the use by Governors of Provinces of their special responsibility in this matter, under any foreseeable form of Indian self-government the Governors will no longer be invested with any such responsibility, nor will the Crown have British troops at its disposal for this purpose or have the control of internal communications in India necessary for their movement from place to place. (The Crown Representative's Police Force, now I believe maintained at the strength of two battalions, would presumably hardly serve to replace a military force in support of the States' Governments against internal disorder or aggression from British

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India.) Nor may it be considered possible or expedient to maintain the various fiscal and economic agreements described in the Indian States Enquiry Report, 1932;[3] these no doubt will have to be re-negotiated with the new Union.

These are matters which we shall have to consider in some detail and with great care when we come to draft any formal statement. But before any formal statement is made (and the tentative view of Ministers is that it should not at any rate be made before the end of the elections and not, perhaps, before the issue of invitations to States' representatives to attend the constitutional discussions) I was authorised to suggest for your consideration that there might be great advantage in your holding, or commissioning the Residents to hold, some sort of informal conversations with certain selected Rulers or Dewans of the more important States, with a view to preparing the ground for any statement which might ultimately be made. Your efforts in these informal discussions would no doubt be directed towards bringing the minds of the Rulers or Dewans towards the consideration of the question whether in fact they will be able to look indefinitely to the Paramount Power for absolute protection and whether it would not be in their own best interests to co-operate freely in the constitutional discussions with the British Indian representatives, making it their aim to bring about a comprehensive Indian Union in which the position of the States was so secured in the constitution as to make them independent of any guarantees from a suzerain.

The projected statement and the informal discussions which would precede it would, of course, be concerned primarily if not entirely with the readjustment of the treaty relationship between the Paramount Power and the Indian States. But independently of this, and perhaps a little earlier in the programme, my colleagues feel that it might be possible for you to make some kind of statement, perhaps to, or in connection with a meeting of, the Chamber of Princes which (following the lines of your predecessor) would not specifically refer to the treaties but would be designed to stimulate Rulers, particularly Rulers of the smaller and perhaps of the medium-sized States, to set their own houses in order with a view to their continued existence as part of a new World order. This, I suggest, might cover not only the intensification of steps to carry out some re-arrangement of the smaller States into larger units in whatever way may be appropriate to the individual States in question, but also some fairly rapid establishment of representative institutions in States where they do not already exist. The latter point would appear to be of particular importance at the present juncture; since World opinion would view with a far more sympathetic eye the participation in the forthcoming constitutional discussions of representatives of States on behalf of which it could be claimed and proved that the views and wishes of the subjects had full opportunity for making themselves felt. But I recognise that the second development may hardly be

[1] See No. 105, Part C. [2] See Nos. 137 and 168, Minute 2. [3] Cmd. 4103.

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realisable in small States except as a consequence, or at best a concomitant, of the first.

This is all of course very delicate ground and Ministers (probably the whole Cabinet) would wish to consider very carefully in consultation with you, not only the terms of any formal statement which may in due course be made, but also in the first place the content of any brief which you may cause to be prepared for use both in the informal discussions which I have suggested as a prelude to any formal statement and in recommending to the Rulers a policy of rationalisation of smaller States and increase in representative institutions.

As soon as you have had time to consider the matter more fully you will no doubt in the first place let me know your views both on the programme which I have set out above and on the general lines of what is actually to be said in the two contexts suggested in preparation for the formal statement. In the nature of the case the subject matter is highly confidential; however it may well be that you will wish to take your Political Adviser into confidence in the preparation of this material. He would no doubt be able, in consultation with my Office, to put into a form of words most suitable for consumption, as well in political circles and among the general public here as by the Rulers concerned, the general conclusions reached between us about these preparatory exhortations; and these formulæ, if they secure Cabinet approval, could ultimately be used as briefs for the purposes indicated. The terms suggested for the formal statement would also no doubt be sent for consideration here well in advance of the occasion on which it was to be issued.

Yours sincerely,
PETHICK-LAWRENCE

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/WS/1/727: f 65

MOST IMMEDIATE *7 November 1945*
PRIVATE

1953–S. You should see SEACOS 538[1] to Chiefs of Staff about Java situation. I have represented strongly to Mountbatten the serious repercussions likely to arise here if Indian troops are used to suppress Indonesian movement and reinstate the (?Dutch). I hope you will reinforce this view in any Cabinet discussion.

[1] Sending Admiral Mountbatten's estimates of troop requirements in Java. L/WS/1/717: ff 77–9.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/8/634: f 35

PRIVATE *7 November 1945*

SECRET

1955–S. Your telegram 554[1] of October 31st about Detention Ordinance. Council agreed today not to repeal Ordinance before it lapses in ordinary way probably at end of September 1946. Decision was unanimous.[2]

[1] No. 180.

[2] In a letter of 9 November 1945, Mr Porter informed Mr Gibson officially of the Govt. of India's decision to retain Ordinance III of 1944 until it expired in the normal way six months after the revocation of the proclamation of emergency and sought Lord Pethick-Lawrence's concurrence. In his reply of 30 November, Mr Gibson conveyed Lord Pethick-Lawrence's concurrence but said that the Secretary of State would prefer to reserve the power, if altered circumstances should seem to him to warrant it, to ask for reconsideration of the matter before the normal expiry of the Ordinance. L/P&J/8/634: ff 28, 27.

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Minutes by Mr Turnbull, Mr Gibson, Mr Patrick and Sir D. Monteath

L/P&J/8/532: ff 10–11

7–8 November 1945

Mr Gibson
Mr Patrick
Sir D. T. M[onteath]

S/S does not consider it wise to make the statement which the Viceroy proposes.[1] He gave me orally his grounds & I have attempted a draft below[2] (which he has not yet seen). Have you any comments or suggestions on it. W[oul]d Mr Gibson put up Tara Singh's letter to P.M.[3] of which a copy came today from the Viceroy & was sent to him.

F.F.T.
7/11

I think there is much force in this, particularly in the last para.[4] A copy of Tara Singh's letter is attached; he wants a rather different form of pronouncement.

J.P.G.
8/11.

[1] See No. 167. [2] i.e. a draft of No. 202. The draft is not printed.

[3] Enclosure to No. 177. [4] The last para. of the draft was similar to the last para. of No. 202.

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The draft expresses in a clearer way the doubts I had mentioned below.[5]

P.J.P.
8.xi

I agree that there is great force in all the points made in the draft and that it is a cogent exposition of the case for not replying in the way the Viceroy suggests to the question that he suggests to be asked.

But it does not meet what (on re-reading the Viceroy's—or, as I suspect, Mr Menon's—letter) seems to me his main practical point, viz: to check the alarm caused to Hindus & Sikhs in the Punjab by the Moslem League's *uncontradicted* assertions that the Pakistan issue is to be decided by a plebiscite of the Muslim community. What the Viceroy wants is to get this authoritatively countered; & unless it is, he fears that much heat may be engendered among non-Muslims.

Would it be possible—consistently with the point of view taken in the draft—to meet the Viceroy by letting the question be put more or less in the form he has given it, but to reply in the sense:

As was stated by the Viceroy on . . . on his return to India it is intended after the elections to ascertain by preliminary discussions whether the proposals in the 1942 Declaration (etc etc as in the draft)[6] . . . preferable, and any assertion that the question of accession or non-accession of a Province to a future Union will be decided by a particular method is evidently wholly premature and without foundation.

D.T.M.
8.xi

[5] Mr Patrick had already, in a minute of 5 November, expressed doubts about the advisability of the proposed statement. L/P&J/8/532: f 21.

[6] The words intended by Sir D. Monteath here are: 'Declaration are acceptable, or whether some alternative or modified scheme is'.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET — INDIA OFFICE, *8 November 1945*
Received: 14 November

I have just received the duplicate of your letter of the 29th October,[1] though the original copy seems to have been held up on the way.

2. I welcome the arrangements you have made for sending me collections of newspaper cuttings each week. Now that the mail is so much quicker they

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are still sufficiently up-to-date to be of considerable value and have certainly helped to give me the atmosphere in which you have to consider our various problems.

3. I have noted your warning that rough weather is ahead and certainly the reports of the speeches which you have sent me provide grounds for what you say. I would have thought myself, however, that some of this violent talk by Congress leaders is due to their anxiety to keep their organisation together in the stress of the election. They seem to me always to have displayed great nervousness lest the Congress as an integrated force should be dissolved by internal stresses and this I feel is at any rate one factor which makes them receive every attempt to meet their point of view with a more extreme demand. The issue of independence is the one thing which has a universal appeal and the emphasis which they throw on that is, I think, partly designed to keep all their followers marching together. It is probably also the best card they have to play against the Muslim League. But in spite of all this I entirely agree that the speeches of the Congress leaders do not make very pleasant reading and that if the temperature continues to rise it may get higher than they themselves desire and they may feel bound to make an attempt to force our hand by another mass movement which may even be less non-violent than when Gandhi was in full control. I should be surprised myself, however, if they plunge into anything of this kind without co-operating in the conversations which we propose after the elections, but they might very well do so if Jinnah then were to maintain the kind of attitude he adopted at Simla and we were to accept that as final. The question therefore which we have to face is how we are to prevent this state of affairs from arising. I confess I do not see any satisfactory way out through Pakistan which opens up enormous difficulties. But can Jinnah be induced to accept a modified form of it which it might be possible to concede? I feel sure your mind must be envisaging this situation and though the consultations are presumably still several months ahead I do not think it is too early for us to begin discussing it in the course of these letters.

4. These are only general reflections, but I should be glad of your general views on how the situation may develop and what the alternatives are likely to be, if you feel able to give them, of course in an entirely tentative way, at this early stage.

5. I am writing to you separately about your proposed Question and Answer on the Provincial Option Clause of the Cripps offer. I am afraid I feel strongly that it would be better to say nothing. To my mind the whole object of the statement which you were authorised to make in September was to keep the situation fluid until you had conferred with Indian leaders. The criticisms you made of the opting out provision in the Cripps offer while you were here, led

[1] No. 177.

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us to agree to the preliminary discussions in order to enable the Cripps offer to be modified, if that seemed likely to be profitable. If we start now to define the Cripps offer and particularly the opting out provision, we shall by implication reaffirm the principle of provincial option to the exclusion of any other form of option such as one based on smaller areas, and we shall also expose ourselves to being forced to define other provisions of the Cripps offer more closely, since having elucidated one point we should not be able to refuse elucidation of others. As one ground on which the Muslim League rejected the Cripps offer was that it did not provide for the right of option to be exercised by vote of the Muslim population only, and as we have made no statement on the subject since the Cripps Mission, I should have thought it was clear already that no such provision is included in the offer, but I have set out my reasons more fully in a separate letter which I am sending you.

6. I gave an interview yesterday to Anthony, the Anglo-Indian leader, who is in London. I of course gave no undertakings or assurances to him, but I listened to his case and there are one or two points he made which I should like to mention to you. In the first place he said that his community felt great disappointment that they had not been given an opportunity of expressing their views at the time of the Simla Conference. He mentioned that they felt that they ought to have a seat upon your Executive and said that the Sapru Committee had recommended that, but I hardly think they can mean this very seriously. He did, however, urge that when you conferred with representatives after the elections on the nature of the constitution-making body, the Anglo-Indians should have an opportunity of making their voice heard. I gathered that the Anglo-Indians have about 10 representatives in the Legislatures. I am not sure whether this would give them a seat on a constitution-making body elected in accordance with the Cripps offer, but Anthony urged that if representatives were chosen by provincial Legislatures the Anglo-Indians would have very little chance of getting representation. I feel myself that they have some right to be heard in regard to the nature of the constitution-making body, and I hope you will bear this point in mind, when the time comes. The other principal points that Anthony raised were the question of the Anglo-Indians in the Indian Medical Department and the special position in regard to education which the community enjoys under the existing Act. I have no doubt that the I.M.D. problem has been brought to your notice, or at any rate that the War Department know all about it. On the educational problem I doubt if there is much that we can do unless Indian Governments are prepared to allow the existing conditions to continue. We clearly could not include any specific safeguards about this in an Indian-made constitution.

7. Since I took office I have had brought to my notice a number of allegations that persons arrested by the Police in India are maltreated while in the

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custody of subordinate officials of the Police Force. I have discussed these complaints with Maxwell and Sayers and members of my staff, and from what they tell me it is clear that there are very close safeguards against this sort of thing from the time of arrest onwards. But there seems to be some possibility that the allegations arise from maltreatment of persons who have not been formally arrested but are under interrogation. The complaints which came to me related in particular to Bombay and to Bengal and in one instance the authority on which it was asserted to me that such things occurred was of a kind which I did not feel it possible to ignore.

I therefore decided to write personally to Colville and Casey[2] the letter of which I enclose a copy for your information, as to the safeguards which in fact exist already in those Provinces to prevent this kind of thing and also for their views. It seemed to me best to proceed in this way because I do not want to institute any sort of official enquiry through the Government of India at any rate at this stage. I recognise the importance of not taking any steps especially just now, which would in any way weaken the morale of the police or indicate to the public that their conduct is under suspicion. Clearly irregularities of this kind are inevitable from time to time in a country so large as India since there is no doubt that they occur in more advanced communities and even sometimes in this country. If, however, Casey and Colville feel that there is a weak link in the safeguards against malpractices at the point I have indicated I may feel bound to take the matter up with you on an all-India basis.

8. In paragraph 10 of your letter of 16th October[3] you referred to the receipt of three letters from Gandhi, one of which related to allegations of ill-treatment while in detention made by a Forward Bloc leader named S. B. Yajee. It so happens that these allegations, as they appeared in the *Hindustan Times*, of 9th October, were recently brought to my notice here, and I should very much like to learn the result of your enquiries and to have a detailed report on these allegations for use if the subject is raised in Parliament.

[Para. 9, on the failure to consult the Govt. of India on a return journey through India of the Chinese Foreign Minister, omitted.]

10. I was approached last week by an M.P. interested in international labour on the lines that on principle the Indian Government delegates at the present conference in Paris should not withhold their votes on the question of minimum standards of social policy for dependent territories merely for the reason that they themselves had no territories dependent on them. I told my correspondent that I did not care to intervene in such matters between the Government of India and their delegates but I think the point of principle is worth some

[2] See No. 193. [3] No. 146.

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consideration. It surely tends to lessen the authority of an international assembly if responsible members make a practice of withholding their votes on questions where they are not themselves directly affected. Your Labour Department might consider it.

11. I was sorry to have to ask for so quick a reply about Madras.[4] The possibility of Nye being available only emerged at the beginning of this week and I was most anxious to clear the matter before the Prime Minister left for the U.S.A. this afternoon. I was very glad to know that you agree with what we propose[5] and I shall now take an early opportunity of seeing Nye and I will telegraph to you when I know if he is willing to accept the appointment.

[4] See tel. 568 of 7 November. L/PO/8/41a: f 42. [5] See tel. 1961-S of 8 November. *Ibid.*, f 39.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/P&J/8/532: ff 7–9

SECRET INDIA OFFICE, *9 November 1945*

My dear Wavell,

I have given most careful thought to the proposal in your letter No. 592/14[1] of 25th October that we should make a statement in reply to an arranged question in Parliament, to make it clear that the right of a province not to enter the Indian Union contemplated in the 1942 Declaration would not be exercised by the vote of a single community in that Province.

I fully appreciate the arguments which you put forward and the danger of the electorate being misled by the Moslem League. I do not, however, feel that Jinnah could legitimately accuse us of allowing him to make a false assumption in this connection. We have said nothing to justify him in asserting that we accept his views on this subject and one of the points which the Moslem League made in their resolution[2] rejecting the Cripps offer was that it did not provide for the option to be exercised on a plebiscite of Moslems only.

I am afraid I have come quite clearly to the conclusion that it would be mistaken to make a pronouncement of the kind which you propose. In our discussions when you were at home, you emphasised the great practical difficulties of the provincial option provision under the Cripps offer, and one of the main objections which you raised to the proposal put forward here that we should state now that the Cripps offer would be implemented, was that this would be an assertion that the fate of large minorities in the Punjab would be decided by a plebiscite on the lines proposed by Cripps, and that this would

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be violently resented by the Hindus in the Punjab and particularly by the Sikhs. The upshot of our discussions was that instead of a firm reiteration of the Cripps offer as our policy, we stated[3] that it was our intention to convene, as soon as possible, a constitution-making body, and that as a preliminary step you were authorised to undertake discussions "To ascertain whether the proposals contained in the 1942 Declaration are acceptable, or whether some alternative or modified scheme is preferable". I feel that it would be [a] fundamental mistake, having made provision for discussions to ascertain how the 1942 proposals can be modified with the best hope of arriving at an agreed constitution, now to make a statement on a particular provision in the 1942 proposals which excludes what one party to the dispute has announced as being its desire. But apart from this, your draft question and answer, and I think also any possible variant with the same effect, does by implication say that it is the policy of His Majesty's Government that there shall be a provincial right of option. It is true that this is a provision in the Cripps offer, but as the object of the preliminary discussions is to see whether that offer can be modified with advantage we should not, in my view, say anything now which will reiterate that provision. This is the more so to my mind, because you emphasised so strongly to us the practical difficulties of provincial option. I think that a statement which implies that provincial option was a part of our intentions will greatly increase the difficulties of discussing any alternative to it which might be more acceptable to the Congress, such as an option exercisable by smaller areas.

I have considered the possibility of giving an answer on somewhat different lines, repeating the essentials of the Declaration of 19th September 1945. But it would be exceedingly difficult to draft words which would be sufficiently specific to meet your point and sufficiently general to prevent further rejoinders and interrogations both here and in India.

Moreover, there is this further consideration. We have as I see it been extremely fortunate in that hitherto we have not been pressed in Parliament to define more precisely what the various clauses of the 1942 offer do precisely mean. If we ourselves start the process of Question and Answer on this topic we may be led a long way and find ourselves having to adopt positions which will be most embarrassing later. If questions on that subject come up now I should be able to evade them by saying that it is not our intention to make any further pronouncements pending the discussions which you are to have after the elections, but if I made a statement on one particular point such as you propose I could not resist pressure for further definition of any other provision in the offer.

PETHICK-LAWRENCE

No. 167. [2] Vol. I, No. 606. [3] No. 116.

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Sir H. Twynam (Central Provinces and Berar) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/194: ff 35–6

SECRET GOVERNOR'S CAMP, CENTRAL PROVINCES AND BERAR,
No. R–55/G.C.P. *10 November 1945*

Dear Lord Wavell,

Many thanks for your letter No. 40/7, dated the 1st November 1945.[1] The attempts to restore the broken morale of the Congress public by unrestrained abuse of Government, tributes to the so-called martyrs of the August 1942 disturbances and to the patriotism of the I.N.A., and by threats to Government servants of retribution for their loyalty during the 1942 rebellion continue to be the main features of the political situation. From the many reports, it seems clear that the Working Committee at Poona definitely envisaged the possibility of another movement on the lines of the August 1942 rebellion, but next time they are apparently aiming at agrarian disturbances on a much wider scale than characterised the 1942 rebellion. It was the absence of agrarian disturbances on a wide scale which differentiated August 1942 from the civil disobedience movements in the 1930's. On the other hand, the August 1942 rebellion was far better organised and far more dangerous, with its attacks on communications of all kinds, than the movements in the 1930's. If to a concentrated attack on vulnerable communications is added widespread agrarian revolt, the task of the police force will be a difficult one. I am glad to say that we are immeasurably stronger in respect of arms, transport and a wireless grid throughout the Province than we were in 1942. I am also glad to know that A.H.Q. is apparently going over its internal security dispositions. I have had a preliminary discussion with the District Commander and we have already got our principal ideas into shape. When the Airborne Division leaves Bilaspur—as it will do shortly—I shall be left without any British troops. I am most anxious to have one battalion of British troops because of the immense moral effect of even a small detachment of British troops in the Sitabuldi Fort at Nagpur as a detachment from the unit at Jubbulpore. In fact, the presence of British troops might very well implement the principle of prevention being better than cure. I do not know whether the District Commander will be successful but both he and I agree that, if we cannot have British troops, we would like to have a battalion of Gurkhas. I have no doubt that we can cope with any situation which the Congress may devise, but widespread disturbances in the villages, especially if they occur during the rains, as was the case in August 1942, demand a large number of small mobile columns and it might be necessary to secure our two chief towns and centres of communications, Jubbulpore and Nagpur, by means

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of regular troops. The moral effect of the presence of British troops in these two towns, should disturbances threaten, can hardly be exaggerated.

The above does not indicate an alarmist attitude on my part but I have been bitten so often that I am naturally shy towards any suggestion of reasonableness on the part of Congress. There is certainly nothing in the past fortnight to suggest the existence of any such disposition. References to the mutiny continue to be frequent: a leading local Congressman (one Amarsingh Saigal) has stated that the police and Indian troops will refuse to fire on unarmed mobs; other speakers have said that the Indian troops in Malaya were deserted by their British officers and hence the I.N.A. came into existence; our late Chief Minister (R. S. Shukla) was received by some 6,000 persons at a place in Raipur district and at a meeting of several hundred he announced that Congress had "no intention of forgetting or forgiving wrongs". In short, every effort is being made to prepare a mass mentality in support of another violent struggle. Gandhi's continued silence furnishes no encouragement to moderate Congressmen and attention is drawn to the almost total absence of reference to him in the present approach to the masses. It is indeed suggested that Subhas Chandra Bose is rapidly usurping the place held by Gandhi in popular esteem and doubtless some of Subhas' "glory" devolves on his brother Sarat.

As will appear from the Chief Secretary's report,[2] we are counteracting the campaign against Government servants, as far as possible, by the issue of press notes and the filing of civil suits for damages on behalf of defamed officers. As the Jubbulpore Deputy Commissioner's letter (quoted in the Chief Secretary's report) indicates, there is considerable uneasiness among Government servants. I am doing what I can to counteract this by issuing a personal letter to Commissioners asking them to reassure Government servants that those who have done their duty will certainly be protected against victimisation if and when power is handed over to a National Government.

[1] I.O.L. microfilm reel 2447. [2] L/P&J/5/194: ff 40–2.

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Sir E. Jenkins to Field Marshal Viscount Wavell

R/3/1/108: ff 8–13

H.E. *10 November 1945*

I discussed yesterday with Mr. Abell and Mr. Menon the material required for the next political moves. This should, in my opinion, cover—

(1) the action to be taken in the event of a complete breakdown, i.e. if it is evident that the policy we have been following since 1942 must be abandoned;

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(2) the attempt to establish a "political" Executive Council to which His Majesty's Government are committed by the announcement of 19th September 1945;[1]
(3) the discussions with representatives of the Provincial Assemblies of the 1942 Declaration, to which His Majesty's Government are committed by the same announcement; and
(4) what might be described as a "reserve" plan to be put forward by His Majesty's Government if the discussions under (3) above do not lead to agreement.

I deal with these four heads in the remaining paragraphs of this note.

2. *The "breakdown" plan.* We must be clear as to what would constitute a breakdown. I think that if for any reason and at any time it became evident that we could not implement the policy of 1942, or something like it, by agreement between the main parties or by the acquiescence of considerable sections of them, His Majesty's Government would have to think again. A complete breakdown might occur:—

(i) before the elections, if an attempt were made to subvert the present administration by force;
(ii) after the elections and before the discussions now contemplated, if Congress delivered an ultimatum followed by violence as in (i);
(iii) after the elections and during or after the discussions now contemplated, if the parties failed to agree and if His Majesty's Government were unable or unwilling to force a settlement on the 1942 lines.

It seems to me impracticable to prepare now a plan which would cover all the possible situations. The breakdown might be sudden and violent or slow and peaceful,[2] and we cannot foretell the strength and attitude of the main parties if it occurs during or after the discussions. Whatever happens, I think the only immediate course would be to carry on under the present constitution, possibly with some changes in the Executive Council.

If the breakdown were sudden and violent it would, I think, involve a complete change of policy by His Majesty's Government, who might have to announce that they would make no further political move in consultation with the parties for a term of years and would in the meantime impose a working constitution at the Centre. It is in connection with this move that some adaptation of Part II of the 1935 Act has been proposed. An analysis of the Federal provisions of the Act will be found at pages 137 and following of Part I of Coupland's book.[3] So far as the British Indian Provinces are concerned it would be possible to impose the Federal provisions, though they are disliked both by the Congress and by the Muslim League. In Lord Linlithgow's time the mechanical obstacle to Federation was the attitude of the States, since Federation

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cannot be introduced until States entitled to 52 of the 104 States seats in the Council of State, and including one half of the total population of the States have acceded. It could be made easier for the States to accede e.g. by simplifying the Instruments of Accession, and the number and population of the States whose accession is required to bring Federation into force could be reduced. But complicated legislation would be needed, and in my opinion we cannot decide in advance that the adaptation of the 1935 Act would be the right course.

To sum up under this head, I believe that in the event of a complete breakdown we should have to continue under the present constitution, and at leisure decide what further steps if any should be taken to popularise the Centre.

If the breakdown were due to something like an armed revolution it might be necessary to abolish the Legislative Assembly, to treat the Council of State as the Legislature, and to introduce a really strong administration for a period of, say, 10 years. As I have said above, everything would depend on the nature of the breakdown and the conditions with which His Majesty's Government would have to deal.

Any material Your Excellency requires under this head should be prepared at once, as a breakdown might occur quite suddenly and before the elections.

3. *The attempt to form a "political" Executive Council.* Your Excellency has already seen various suggestions about this. The best plan will probably be to invite individuals to join the Executive Council and to hold no preliminary conference. The difficulty will be that, while the announcement of 19th September 1945 contemplates the formation of a "political" Executive Council while the long-term discussions are proceeding, those discussions would probably be prejudiced if your attempt failed. The Congress would expect you to bypass the Muslim League if necessary, and the Muslim League if bypassed might refuse to take part in the long-term discussions at all. The timing will therefore require care, and the attempt should probably be made after, and not before, the long-term discussions have begun.

4. *The long-term discussions.* The first point to be considered is the selection of the representatives of the Provincial Assemblies. Mr. Menon suggests, and I agree, that you should invite from each Province the Premier and the Leader of the Opposition—numbering 22 in all. In addition you might invite one Indian Christian and one Scheduled Caste representative from Madras; one Scheduled Caste representative, one Anglo-Indian, and one European from Bengal; and one Sikh from the Punjab. Seven representatives from the Indian

[1] No. 116.

[2] Lord Wavell minuted against the words 'slow and peaceful': 'This looks unlikely at present.'

[3] Professor R. Coupland, *A Report on the Constitutional Problem in India*, Part I, *The Indian Problem 1833–1935* (London, Oxford University Press, 1942).

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States would be added, making a body of 35. This would be on the large side but not unmanageable.

The agenda paper and the supporting material will have to be prepared very carefully. The discussions must, in my opinion, cover the whole of the Draft Declaration of 1942 with the exception of clause (e) with which the meeting will not be concerned. Clauses (a) and (b) present no difficulty.

Under clause (c) it will be necessary to decide what is meant by the word "Province" and how the right to stand out is to be exercised. We must also be clear about the future administration of Provinces which do in fact stand out. Once India is partitioned there will presumably have to be two Governors-General, or the seceding Provinces will have to be placed in direct relations with the India Office, much as Crown Colonies are in direct relations with the Colonial Office.

We must also have definite ideas about the contents of the proposed Treaty on which Sir B. N. Rau is already working, and about the Treaties of the Indian States which will, I understand, present very difficult problems.

Clause (d), which deals with the composition of the constitution making body, is also difficult. As the clause stands it would be possible for some Provinces to be unrepresented on the constitution making body. The constitution making body will be unwieldy and nothing has yet been decided about the manner in which it should vote or the majority required for actual decisions.

I am clear that we should be ready with our own analysis and criticisms of the Draft Declaration of 1942 and should be in a position to guide the discussions. If the parties are left without guidance and without alternative suggestions where the Declaration is difficult or obscure, the meeting will end in confusion.

The timing of this part of the business will not be easy. The elections will not be over in all Provinces until nearly the end of April of 1946. The new ministries will have to meet their Legislatures, and it may be difficult for Premiers and Opposition Leaders to get away at once. I believe that once the budgets have been introduced the absence of Premiers and Opposition Leaders may be possible, especially if the new Governments, or most of them, have large majorities. But I doubt if Your Excellency will be able to get the discussions going until late May or even early June.

5. *The "reserve" plan.* I have given much thought to the possibility of a solution which none of the parties is likely to put forward but which all might accept as an alternative to a complete breakdown. So far as British India is concerned, the 1942 Declaration proposed, so to speak, to establish a Club of which all the Provinces were foundation members but from which any Province might withdraw. It might be possible to arrive at the same kind of result by establishing a Club of which there would be no foundation members, but which any Province might join. In other words, if the outline of a new

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Federal constitution could be prepared, it might be put to the Provinces whose Legislatures would be asked to decide whether they wished to come in or not. Those Provinces which wished to come in would then take part in the further discussions. Those Provinces which did not wish to come in (presumably the Pakistan Provinces) would be told that we would deal with them later, though it would be open to them at any time to adhere to the original Federal Union if they so desired. So far this would be a complete concession of Jinnah's claim which the Congress would certainly not accept, and which would probably lead to civil war between the Sikhs and the Muslims in the Punjab. We should therefore have to add a provision to the effect that once the original Federal Union was formed we would give large territorial units within the Provinces which had not joined it (e.g. Commissioners' Divisions) the option of voting themselves into the neighbouring federated Provinces. There would be no difficulty in Sind and the North-West Frontier Province. There would certainly be a partition of the Punjab and probably of Bengal and Assam,[4] and the resulting Muslim States would be comparatively small and weak. In the long run I think that the Punjab and probably Bengal might join the original Federal Union on terms—the prospect of partition would be less attractive when it became imminent. I have asked Mr. Menon to think over a possible solution on these lines. In the absence of agreement between the parties we cannot get a good solution, but it is of first-class importance to secure a solution of some kind next year.

E. M. JENKINS

[4] Sir E. Jenkins added in the margin: 'Assam might not have to be partitioned, though Sylhet might have to go into E. Bengal.'

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Lord Pethick-Lawrence to Mr. Morrison

L/PO/6/102c: f 385

INDIA OFFICE, *11 November 1945*

Dear Herbert,

I have just spent an hour and a quarter with the India Sub Group of the Parliamentary Labour Party, of which Sorensen is Chairman.

In connection with the Parliamentary delegation two suggestions were made in our discussion. The first was that a woman member should be included. This seemed to attract general support. I think it is very necessary, because there should be someone who can specialise rather on finding out what the Indian women's attitude is, and this may well involve seeing women who are in purdah.

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The other suggestion made was that a Trade Unionist should be included among the Labour Party members of the delegation. This would also, I think, be advantageous, though it did not seem to command as much support at my discussion this morning as the suggestion that a woman member should be included.

As I mentioned to you I think Sorensen must be a member. He will cover both the India Sub Group of the Parliamentary Labour Party and also the India League.

I will prepare a draft statement for your approval which will no doubt have to be shown to the Prime Minister and possibly to the Opposition. This ought to be made in both Houses, I suggest, this week so that the choice can be made at the beginning of next week.

The essential thing thereafter will be to select a good leader from the Labour Party.

In the statement it will have to be made clear that the purpose of the delegation remains unaltered and that it will be neither a Government body nor a sort of minor Simon Commission which would certainly offend Indians.

PETHICK-LAWRENCE

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/WS/1/727: ff 48–51

IMMEDIATE INDIA OFFICE, *11 November 1945, 2.30 pm*

PRIVATE

575. Your private telegram 1953-S.[1] Java situation. I have throughout urged emphatically in Cabinet discussions on this subject your view that there will be serious repercussions in India if Indian troops are involved in suppression of Indonesian Nationalist movement and I reiterated it again in the discussion of SEACOS 538.[2]

2. The position we have to deal with is one of extreme difficulty. We cannot disregard the claims which the Dutch have upon us. They have been our Allies throughout the war, have endured great loss and suffering and have made a major contribution to allied shipping resources. Because they have placed their own shipping entirely at Allied disposal to be used for the best common advantage, they were unable to make their own dispositions for dealing with their own territories in their own way. Apart from these considerations, there are some 8,000 Dutch including women and children in internment camps in Java, who are in great peril. We cannot on grounds of ordinary humanity leave them to their fate.

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3. Our object has throughout been to avoid being involved in any hostilities with the Indonesians. We have exercised great pressure on the Dutch to modify their policy to meet Indonesian demands. Though they have been slow to do so, they have, in their recent pronouncement, gone a considerable way to meet us. We do not feel justified in abandoning the Dutch provided that they make reasonable efforts to meet the demands of the Indonesian peoples. While it may be possible to achieve a settlement between the Dutch and the moderate Indonesian elements it is very probable that the latter will not have control of the situation, and trouble may be so extensive that it is beyond the ability of the Dutch to deal with it for a substantial time to come. The course which events have taken was not anticipated when the original disposition of our forces was decided upon, and when it became known, the time factor made it quite impossible for the situation to be dealt with by United Kingdom troops alone. This is indisputably the case to-day; your request that Indian troops should not be involved could, therefore, so far as I can see, be only completely met by withdrawing our forces from Java. Admittedly we are taking risks but our considered view is against complete withdrawal and further, that suppression of existing conditions of anarchy in Java as first step towards the establishment of ordered Government there is a right and proper use of Indian troops, if that is the only way it can be attained. There are already considerable forces of Indian troops in Java and if there is not to be complete withdrawal, it is essential that they should be supported. I appreciate the serious nature of political repercussions in India, but the question that evokes them is one of principle rather than of extent.

4. You will have seen the reply which has been sent to SEACOS 538 in COSSEA 407.[3] At present India does not seem likely to be called upon for troops in addition to those already allocated for SEAC.

5. If you wish me to press your case still further, I should be glad if you would send me officially a much fuller statement of consequences you apprehend in India, for circulation to my colleagues. We all realise objections from Indian point of view to the use of Indian troops and from our own to the use of British troops, in this affair, but we have to weigh these considerations against those indicated above and the general repercussions of our relations with our Allies if we abandon the Dutch. To abandon Java might lead to much wider withdrawals, facing us with serious loss of prestige in Malaya and Burma and leading to similar troubles there.

[1] No. 198. [2] See No. 198, note 1. [3] L/WS/1/717: ff 67–8.

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India and Burma Committee. Paper I.B. (45) 19

L/WS/1/1577: f 87

Treatment of Members of the Indian National Army

Memorandum by the Secretary of State for India

INDIA OFFICE, *12 November 1945*

At the Sixth Meeting of the Committee on the 25th October 1945,[1] I was invited by my colleagues to obtain from the Commander-in-Chief, India, an appreciation of the immediate and longer-term effects on the Indian Army of the proposals for the disposal of members of the Indian National Army, set out in papers which I had previously circulated. Accordingly, I despatched the telegram,[2] of which a copy is annexed (Annexure I) and have now received and circulate for information to my colleagues an appreciation of the situation in respect of the Indian National Army by General Sir Claude Auchinleck dated the 31st October (Annexure III)[3] together with the covering letter from Lord Wavell (Annexure II).[4]

P.-L.

[1] No. 168. [2] No. 176. [3] Enclosure to No. 185. [4] No. 185.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET VICEROY'S CAMP, (LUCKNOW),
No. 42 *13 November 1945*

I am spending a few days with Hallett in the United Provinces and your weekly letter had not arrived when I left New Delhi on Saturday afternoon. The political situation shows no sign of improvement. The opening of the I.N.A. trials was marked by demonstrations all over India, but there was only one serious clash between the demonstrators and the police—at Madura in Madras. Hope reported this to you by telegram.[1] The adjournment of the first trial for a fortnight has not led to any slackening in the stream of propaganda poured forth by the nationalist Press in favour of the I.N.A. The newspapers have also paid much attention to events in Indonesia. Very wild speaking by the Congress leaders continues and I am sending you a copy of some reports

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from the United Provinces, which shows the extravagant line taken by men as prominent in provincial politics as Pant and Purshottamdas Tandon.

Jinnah came out on 8th November[2] with a definition of Pakistan which adds nothing to what we already knew of his ideas. Pakistan is to consist of the Muslim majority Provinces as they stand, and the problem of the non-Muslim minorities is dealt with very superficially. Jinnah's definition does not seem to have been taken very seriously by the Congress, though in a speech in Bombay Nehru condemned it.

Azad wrote to me at length on 7th November[3] in reply to my last letter[4] to him, of which you already have a copy. I will send a copy of his letter by this bag. I think he found it difficult to answer my comments on the violent attitude of Congress leaders, and he has not yet published my letter except for some extracts about the supply of petrol and paper for the elections, and the grant of priority for travel by air to Congress leaders. I think his letter is intended to be conciliatory, and that he himself is on the side of moderation but has no power to control Nehru, who is calling the tune. I propose to reply to his letter when I have had the Home Member's comments on it.

Gandhi is contemplating the visit to Bengal which had been talked about for some time. He will probably confine himself to the Midnapore, Chittagong, and Dacca districts, and Casey proposes to give him reasonable facilities for getting about by car and boat. I rather doubt if Gandhi is fit at present for a very strenuous tour—he is said to be much preoccupied with the state of his health and his friends are worried about him. He seems to be taking little part in public affairs, and his correspondence with my Private Secretary, to which I have referred in earlier letters, has not been important.

2. Preparations for the elections continue. In the Congress Provinces many of the General seats in the Central Assembly will be won by Congress candidates without opposition. In fact there is practically speaking no opposition. There will be contests for most of the Muslim seats. The provincial elections are of greater importance than the Central, and it is impossible at present to say how things will go. In Bengal, Suhrawardy is now in control of the Muslim League Party, and Casey has just informed me that Nazimuddin has decided to go out of politics for good. Up to a few days ago we believed that Nazimuddin, who is disappointed and hurt at the treatment he has received from Suhrawardy, might be willing to serve on the Executive Council or to interest himself in some other way in Central politics. But Casey now says that he wants to retire altogether and would like to be considered as a possible successor to Chhatari in Hyderabad. There have been some signs recently that the Nizam

[1] 74M of 7 November. L/P&J/8/572B.

[2] A summary of Mr Jinnah's interview with Associated Press of America on 8 November is on L/I/1/755.

[3] No. 196. [4] No. 173.

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is less keen on Mirza Ismail than he was, and he might be prepared to consider Nazimuddin. I have asked the Political Department to advise me about this.

In the Punjab, feeling between the Unionist Muslims and the Muslim League is worsening. Firoz Khan Noon wrote to me again on 5th November complaining that a formal order by the Punjab Government forbidding officials to interest themselves in the elections and drawing their attention to the provisions of the Government Servants Conduct Rules was not sufficient, and asking me to issue a "command" that the elections must be "free" all over India. As I have told you before, it is difficult to say what is actually happening in the Punjab. Khizar and his colleagues would probably like to use official influence if they could, but so would also the Muslim League, the Congress and the Sikh Akali Party, and attempts to make use of officials will probably be made by all parties. Firoz has made several impudent and unscrupulous speeches and I have little sympathy for him. I have told him that I have discussed the complaint of official interference in the Punjab with the Governor and the Premier, and have received assurances that there is no foundation for it. The Government Servants Conduct Rules are perfectly clear, and I believe that it is far more difficult than the opposition parties pretend for officials to take sides. They can do so only at the risk of their careers, and an official who backed the wrong party would be in an unenviable position when the elections were over.

3. I have discussed with the Commander-in-Chief and the Home Member our internal security arrangements in the event of serious disturbances, and they will be in a position to advise me within a week or two. In particular, air reconnaissance and air transport will be vital to our plans. The Commander-in-Chief has emphasized the importance of bringing BAFSEA under the India Command as soon as possible, and I have supported to you his official proposal on this subject. There is no doubt that if we have to deal with serious trouble the Air must be directly under the control of the Commander-in-Chief, and there is little justification now for maintaining a Base Air Command under Mountbatten.

Reports from the Provinces confirm earlier reports about the deterioration in the morale of the Civil Services. This is a serious problem, as the maintenance of order depends so largely on the staunchness of magistrates and small police forces in the outlying districts. I am disturbed by the sudden loss of heart and confidence in the Civil Services—it is presumably due to the isolation in which many of the men work and the virulence and arrogance of recent Congress propaganda, of which I will continue to send you samples. Civil officials away from the provincial capitals know very little about high policy and the risks we sometimes have to take, and assume that their own Governments, the Central Government, and the Governor-General and the Secretary of State are in-

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adequately informed, and that the intention is to capitulate to the Congress. A young District Magistrate whose Indian magistrates are shaky and tell him so, and whose Superintendent of Police is apprehensive about the efficiency and staunchness of his men, has a most unenviable job and it is not easy to give him encouragement. I have already asked Governors to give special attention to service morale, and will speak to them about it when I visit the Provinces during the winter. The Governor of a Province and his senior officials can do a good deal to keep the Services steady, but I am afraid that some of the senior officials are themselves disheartened, and a good many of them will want to retire as soon as they are permitted to do so.

All this adds to the problem of internal security; and I am glad that Council, at the meeting on 7th November, agreed that we should not at present withdraw Ordinance III of 1944.[5] This was the only matter considered by Council other than the usual routine reports, and the decision on it was unanimous.

4. From my point of view it is important that Indian troops should not be seriously involved in the fighting in Indonesia and in the suppression of any nationalist movement in Burma. In Indonesia things seem to have gone too far for any withdrawal to be possible, and the use of Indian troops in the first instance was no doubt inevitable. But our own problems in India are so serious that I have grave misgivings about the use of Indian troops against nationalists, and I have no doubt you will continue to press this point of view whenever you can. To some extent, it cuts both ways; and determination on our part to maintain law and order by firm action when necessary may give political agitators in this country cause for reflection, though few of them seem much given to reflection.

5. The Madras cyclone, which Hope has reported to you by telegram,[6] is a serious blow to our food situation. Otherwise there is no special change to report. I have your telegram[7] about the estimate made by Hutchings of the state of the Bengal crop. Our difficulty is that we cannot claim imports without some statistical estimate and that the statistics available are quite unreliable. I always thought that the original reports (e.g., that by Sen)[8] on the state of the *aman* crop in Bengal might prove too pessimistic, and the situation has been improved to some extent by the late rain in October. On the other hand, the crop will undoubtedly be below normal and it is certain that there will be a considerable shortage of rice. I have asked for advice on your telegram, but as Hutchings is away in Bengal, I may not be able to reply for a few days. The food situation here in the United Provinces is not good, and I have just been reading a well-reasoned but rather gloomy report by the Adviser on Food, which will have to be considered by the Food Department at Delhi.

[5] See No. 199. [6] L/E/8/3032. [7] 24856 of 9 November. L/E/8/3341.
[8] *A Report on the Bengal Situation* dated 29 September 1945 by B. R. Sen. *Ibid.*

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6. In paragraph 4 of your letter of the 26th October[9] you mentioned that a Canadian official told you that Canada would be ready to receive an Indian High Commissioner on the understanding that the arrangement would be reciprocal, though Canada might not wish to send anyone to India for a time. I have consulted Dr. Khare, my Member in charge of Commonwealth Relations, and he would be very glad if an exchange of High Commissioners could be arranged. Remembering however that South Africa has not yet sent a representative to India, he is a little sensitive about the possibility of Canada receiving an Indian representative but postponing for a considerable time the appointment of a Canadian High Commissioner in India. As the trade interests between the two countries are substantial, he feels it would be to the advantage of both countries to exchange representatives. It is possible that the Government of India would agree to take the initiative by sending a High Commissioner to Canada if it seemed likely that this would lead to the required response by Canada, but they would much prefer a simultaneous exchange. Perhaps you could take further soundings unofficially as I think that Dr. Khare's point has some substance apart from the question of prestige.

7. Aney was perturbed at the immediate acceptance of the Soulbury Report by the Ceylon State Council, and suggested that the Colonial Office might intend to get their Order-in-Council out before Mudaliar reaches London. I doubt if the Colonial Office will move quite as fast as this, and I hope Mudaliar will be given a full hearing when he arrives.

[Para. 8, on facilities for News Agencies, omitted.]

9. Has any progress been made with the appointment of a United Kingdom High Commissioner in India? I understand that the Senior Trade Commissioner here has written to his Department on the subject, but otherwise I have heard of no move.

10. I write from Lucknow where I am spending a few days. I motored to Cawnpore yesterday and spent the morning in seeing the work of the City Development Board. Cawnpore has been growing very fast, and town planning and housing has become an urgent problem. The unexpected rapidity of growth is shown by the fact that a Planning Committee in 1918 laid down the maximum population of Cawnpore to be expected in 20 years time as 200,000. It has already 800,000 inhabitants and the present board is planning for 1,000,000. In the afternoon I saw an Agricultural College, of which India has too few.

Today I am looking at military establishments and doing the usual Viceregal garden party. Tomorrow I go to Bareilly by air to see some irrigation works and tube-wells. I return to Delhi on Thursday.

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P.S.—Hallett has just given me the enclosed copy of a speech[10] made by Nehru on the 27th October in the United Provinces. This is the worst I have seen. I think you will agree that we could not allow speeches of this sort to continue without running a very grave risk to law and order and to the morale of the Services. The speech was made before I talked to Nehru[11] and since that interview I have not seen reports of any speeches as bad as this one.

The officials in the United Provinces are naturally anxious as to the immediate future. They do not think that it is safe to allow incitements to violence and strong criticism of government officials. In a country like this control depends very largely on the confidence of the services and on the general impression that they will be supported and that it is not safe to provoke them too far. The whole basis of law and order might disappear quickly if it was open to agitators to talk with impunity in such abusive terms of officials from Governor downwards.

9 No. 171.

10 Not printed; see, however, Annexure III to No. 210. The speech was particularly critical of the conduct of Sir M. Hallett.

11 See Enclosure to No. 188.

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Mr. Gandhi to Sir E. Jenkins

L/PO/10/22

NATURE CURE CLINIC,
6 TODIWALA ROAD, POONA,
13 November 1945

Dear Sir Evan,

I have just seen Reuter's message from London about the threatened arrest of Pandit Jawaharlal Nehru.[1]

I admit that Pandit Nehru's speeches are hot, if the British rulers do not want to part with power and hand to the people what is theirs. They are not, if the British professions are real. It will be wrong to attribute hatred or malice to him. He undoubtedly speaks strongly against the I.C.S. men. But there he speaks the people's mind. And he is right. The fine doctrine propounded by His Excellency of "Forget and Forgive" can only apply to the excesses of a

1 On 11 November 1945, the *Hindustan Times* carried a report, said to be circulating in House of Commons' lobbies, that Sir M. Hallett had sought Lord Wavell's permission to arrest Mr Nehru. When Lord Wavell had turned the request down, the report continued, Sir M. Hallett had threatened to resign and had appealed to Lord Pethick-Lawrence who had, however, supported Lord Wavell. On 12 November, the Viceroy's House issued a Press Note stating that the *Hindustan Times*' report was a fabrication which was entirely without foundation. L/P&J/8/636: f 59.

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soldiery in action but surely not to inexcusable butchery, inhumanity, bribery, corruption and the like. If his statements are wrong, they should be tested through an open and impartial tribunal. If the Government's hands are clean they have nothing to fear from publicity.

I will not waste His Excellency's time by arguing about the obvious.

Yours sincerely,

M. K. GANDHI

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Cabinet Paper C.P. (45) 281

L/PO/6/113: ff 72–5

The Indian Situation

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *14 November 1945*

I circulate (Annexure I) for the urgent consideration of my colleagues, a memorandum which I have just received from the Viceroy analysing in grave terms the situation with which he is confronted in the light of the increasing violence of the speeches of certain of the foremost Congress leaders. I also circulate (Annexure II), to be read with it, a letter from the Viceroy forwarding a note of his recent interview with Jawaharlal Nehru referred to in paragraph 5 of the memorandum. In Annexure III I reproduce extracts of the speeches delivered in recent weeks by Congress leaders.

The Viceroy is convinced that the Congress leaders, as represented by Nehru, Vallabhbhai Patel, Asaf Ali, and Pant, contemplate resort sooner or later to force in order to secure their goal of complete independence. He thinks it improbable that Congress will attempt a rising until the elections are completed next April, unless events force their hand, but he warns His Majesty's Government to be prepared for a serious attempt by Congress next spring, and even possibly sooner, to subvert the present administration by force.

Nehru's utterances since the Viceroy wrote his memorandum have made specific reference to "revolt" and adopted a threatening tone in regard to settlement of differences between Congress and the Moslem League and between Congress and Great Britain. I do not take all Nehru's speeches at their face value, and recognise that much may be set down to the ebullience of electioneering and to the fact that it is only a few months since he was released from detention. But I cannot take the Viceroy's warning lightly, particularly as I am told for the first time that there are signs of a demoralising effect not only among the civil services but also in the Indian Army.

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The following points arise for consideration from the Viceroy's memorandum:—

(*a*) The Viceroy assumes (para. 9) that there will be no question of the acceptance of a Congress ultimatum. I ask that I may be authorised by my colleagues to give him the assurance that his assumption is justified and that there will be no question of giving *carte blanche* to Congress.

(*b*) The Viceroy considers (para. 11) that there would be justification for moving against Congress now, but (para. 12) does not recommend immediate action unless it is necessitated by disorders. I share his view and ask for agreement to it by my colleagues.

(*c*) The Viceroy, however, considers that at *a very early date* a declaration should be made of the attitude of His Majesty's Government towards the growing threat of violence, covering the four heads suggested in his paragraph 13. In my view the need for an immediate statement is not established, but I consider that a statement should be prepared now with a view to its use if necessary at an appropriate and agreed time later on. Such a statement should not, in my view, be solely of a minatory character. It should deal with the political situation generally, give an answer to some of the questions that are being asked, and also, quite firmly, handle the points raised by the Viceroy. It might be made in the House of Commons.

(*d*) We must know what forces will be available at any moment for the suppression of disorder. I append (Annexure IV) a brief note of the military forces now available in the event of a situation developing beyond the capacity of the police to handle. I think that the question of their adequacy should be enquired into further, particularly as regards the availability of more British troops.

(*e*) Finally I consider the Viceroy is entitled to an answer to his request for an assurance of our support for such action as may be necessary. I do not see how we can refuse this assurance, but the Viceroy should be asked to keep the Cabinet in close touch with the situation and warned that action should not be taken except on the direct approval of His Majesty's Government.

P.-L.

Annexure I to No. 210

MEMORANDUM BY THE VICEROY ENCLOSED WITH LETTER DATED 6TH NOVEMBER 1945

[*There follows the text of Enclosure to No. 194*]

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Annexure II to No. 210

[There follows the text of No. 188 and its Enclosure.]

Annexure III to No. 210

EXTRACTS FROM PRESS REPORTS OF THE SPEECHES OF CERTAIN CONGRESS LEADERS.

PANDIT NEHRU.

On 27th October, 1945.

"These British and Indian officials who have wanted to write off the Congress and employed every means to crush it during the last three years will live to see their wish entombed with an imperialism which is now taking its last few breaths.

I challenge these officers to go to Ballia and see for themselves the futility of their attempts. The people there, despite terrible repression, walk with straight backs and erect heads.

* * * * * *[1]

I do not want your plaudits. I want you to realise your pathetically insipid condition. Repression of kisans is still continuing. This has got to stop now. I can pardon shooting, I can pardon assaults, but I am unable to pardon atrocities perpetrated in cold blood."

Rising to a fresh tempo of indignation, Pandit Nehru said: "A revolution is inevitable. It is only a question of the time when it comes. Then we will be tested again."

On 2nd November, 1945.

"I am proud of the fact that the people of my Province put an end to British rule at places, although the duration of this period ranged from five to ten days and the British Army was used to reconquer the areas that had been liberated. Our unarmed people are not to be blamed for their inability to stand against modern weapons. They could not fight the British army of reconquest with lathis."

Report by Reuter from New Delhi on 12th November.

Nehru demands end of British rule.

New Delhi radio to-day quoted Pandit Jawaharlal Nehru, the Congress Leader, as demanding the "complete liquidation of British rule in India."

Speaking at a public meeting in Bombay Nehru said:—

"India must not wait for the next move of the Labour Government."

"She must depend on her own people and prepare herself for a mass battle for freedom, which may come sooner than people expect."

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"Indianisation must mean not merely the appointment of Indian Governors in some Provinces, but the complete liquidation of British rule in India and the establishment of a people's Government in Delhi and the Provinces."

Reported by The Times' *Correspondent on 12th November, 1945.*

Pandit Jawaharlal Nehru, addressing an election meeting in Bombay, said it was the duty of a subject nation to "revolt," and added that he used the word "revolt" after careful thought. If a country was unprepared for revolution to free herself the nation was dead. Congress had never allowed the flag of revolution to be lowered.

Pandit Pant.

On 21st October.

Addressing a mass meeting Pandit Pant, ex-Premier of the United Provinces, declared that the "Quit India" resolution of 1942 was a signal for rebellion in the country and that signal was still their lode-star.

The country was no longer in a mood to tolerate alien rule. Rebellion had now become the creed of the people and it would last until freedom was attained.

Pandit Pant predicted that India would be completely free very soon. That freedom would not be a gift from the Labour Government.

On 22nd October.

"Remember, 'Quit India' is our mantra. If the British Government does not withdraw gracefully, we will compel it to do so."

On 31st October.

"Even if an Indian Government does such terrible things we will surely destroy it and, therefore, we speak of destroying the foreign Government which is responsible for the atrocities."

On 3rd November.

"We are rebels and we shall remain rebels until we get what is our birthright—independence. We do not want our freedom as a gift from the Labour Government. We will win it in spite of them. I challenge the British Government and its allies to stop us if they can from achieving our objective."

Sardar Patel.

On 1st November.

"The Congress was not going to sit quiet after the elections and wait on the convenience and pleasure of the British Government. The Congress would demand an immediate and final solution of the Indian problem.

[1] These asterisks are reproduced from the Cabinet Paper.

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If such a solution was not forthcoming, and if the British Government tried to put further obstacles in the way of India's progress, sure as day follows night there would be another struggle."

Annexure IV to No. 210

A detail of the troops now in India who are allotted to or are available for Internal Security duties is shown below.

(a) *Allotted.*

Eleven British Infantry Battalions.
Forty-five Indian Infantry Battalions.[2]

(b) *Available from G.H.Q. Reserve.*

2nd Indian Airborne Division.
8th Indian Division (still partially on leave till December).
16th British Infantry Brigade (four battalions).
150th Indian Infantry Brigade (one British, one Indian battalion).
268th Indian Infantry Brigade (earmarked for Japan).
Three British Armoured Regiments.
Two Indian Armoured Regiments.
Five British Infantry Battalions.
Fifteen Indian Infantry Battalions.

2. The above does not take into account troops allotted to Frontier Defence or Frontier Defence Reserve.

[2] [Note in original:] One of these due for disbandment.

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Secretary of State to Governor-General (Home Department)

Telegram, L/P&J/8/626: f 367

MOST IMMEDIATE INDIA OFFICE, *15 November 1945, 10.20 pm*
CONFIDENTIAL

No. 25305. Parl[iamentar]y Question for next Monday referring to "the importance of securing the best possible atmosphere for the elections in India and of making them as free as possible" asks Gov[ernmen]t:—

(*a*) as far as possible to lift the ban on political organisations;
(*b*) to lift from individuals released from prison any restrictions limiting freedom of political action.

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2. As regards (*a*) what is the present position of ban on Forward Bloc. May it be said that question of removing all-India ban is under active consideration?

3. Reference in (*b*) is not clear but may cover restrictions on movement, or on public speaking as well as specific restrictions (if there are any) on political association. What reply do you advise? Has there been any review and relaxation of such restrictions and can it be said that those remaining are imposed for security reasons only?

4. Please reply most urgently.

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Chiefs of Staff to General Auchinleck

Telegram, L/PO/6/113: f 54

TOP SECRET CABINET OFFICES, *16 November 1945, 4.30 pm*

COS (India) 35. Following from Chiefs of Staff.

1. Reference Memorandum by the Viceroy to Secretary of State for India enclosed with letter dated 6th November 1945[1] concerning possible disorders in India early next year.

2. In order that we may be in position to advise H.M.G. on military implications of the policy advocated by Viceroy, we require a full appreciation on possible military commitments. In particular we shall want to know:—

(a) to what extent you can rely on Indian forces;
(b) whether you will have sufficient Indian forces available without having to call on any under command of S.A.C.S.E.A.;
(c) whether you consider that you will have sufficient British forces, not including those at present assigned to S.A.C.S.E.A., at your disposal;
(d) if not, what British reinforcements you will require.

3. Request therefore you send us your appreciation as soon as possible.

4. Pending further instructions S.A.C.S.E.A. should not despatch the brigade of 2 British Division to Hong Kong as suggested in SEACOS 545,[2] pending further instructions which will be issued early next week.

Repeated S.A.C.S.E.A.

[1] No. 194. [2] L/WS/1/717.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
16 November 1945

I am taking the opportunity of Evan Jenkins, my Private Secretary, going home on leave preparatory to taking over the Governorship of the Punjab, to write you a short letter. Jenkins will be able to explain to you at length the disturbing political situation out here.

2. I had a rather depressing visit to the U.P. Practically everyone I saw, from the Governor downwards, official and non-official, was very disturbed at the violent speeches made by Congress leaders and the threats they have been uttering against Government servants and against those who have helped the British. The British official, whatever his views on government policy may be, will naturally remain steady when a crisis comes; but I think that a great many, of the seniors at any rate, are getting tired of the atmosphere of vilification and misrepresentation to which they are being subjected, and will take the first opportunity to retire. Some of them are getting anxious about the safety of their wives and families. The Indian official is in a more difficult position, since he has to remain in the country whatever happens, and his nerves are more easily shaken; I am doubtful whether we can continue to rely on the steadiness of all of them in case of trouble. Jenkins with his long experience can tell you in greater detail the attitude of the Services.

The non-officials, whom I have seen lately, in the U.P. and here in Delhi, are a rather mixed lot. Some of them, like the majority of the Taluqdars of Oudh, are not an impressive body or perhaps deserving of a great deal of sympathy; they are many of them indifferent landlords and consider only their own pockets. But I have talked to a number of good sensible and influential Indians, who have hitherto supported us, and who understand the disasters that the present Congress policy is likely to bring on the country; but who are now doubtful of our willingness or ability to protect them, and are therefore considering going over to the Congress side or at least ceasing to support us. Many of them are quite frank in their attitude, and say that it is the habit of Indians to worship the rising and never the setting sun; and that as our sun seems definitely on the decline in India, we can hardly expect much support —not an heroic attitude, but an understandable one in view of the Indian character, and not very easy to give stiffening or comfort to in present conditions.

The idea that Gandhi would exercise his influence on the side of moderation has been rather dispelled by his letter,[1] of which I enclose a copy, to Jenkins.

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How far he is really capable of thinking and acting for himself in his present state of health is doubtful; and it is possible that the letter was written by Patel or Nehru and merely signed by Gandhi; but it certainly indicates that the hope of his moderating the tone of Congress is small.

Altogether it is not at all a pretty outlook. I sincerely hope that His Majesty's Government will make a very early statement on the lines I suggested in the paper I sent you with my letter of 6th November;[2] I feel that this is essential to maintain morale in the Services and to bring home to Congress the dangers of their present course. His Majesty's Government have lately made similar statements with regard to Indonesia[3] and Palestine,[4] so that I presume there should be no difficulty in re-affirming the same principles with regard to India.

3. I have just had a letter from the Commander-in-Chief expressing grave concern at the possible effect on the army both of the I.N.A. trials and the propaganda about their use in Indonesia. I will write you further about this after I have seen the Commander-in-Chief who is away on tour at present.

4. The food situation has again taken an unfavourable turn. I have had within the last few days telegraphic requests from Governors of both Madras and Bombay, requesting an additional allotment from outside of 400,000 tons each; the former on account of the destruction of crops by the cyclone and tidal wave a week or two ago, and the latter on account of the failure of the monsoon in the greater part of the Deccan. I hope that on investigation both these estimates will be found to be pessimistic, but even so they are bound to create a grave additional commitment on our food supplies which we had not expected. I will let you have further information when Hutchings, the Food Secretary, returns from tour.

5. I am sorry to present you with such a budget of bad news, but I do not think I am exaggerating the dangers of the present political situation. I hope you will discuss it in detail with Jenkins, who is very knowledgeable and very level-headed.

[1] No. 209. [2] No. 194.
[3] *Parl Debs.*, 5th ser., H. of C., vol. 414, 17 October 1945, cols. 1152–3.
[4] *Ibid.*, vol. 415, 13 November 1945, cols. 1927–32.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *16 November 1945*
Received: 23 November

Thank you for your letter of the 5th November[1] which I received on the same day as your memorandum on the general situation,[2] and your account of your interview with Nehru.[3]

2. I think you were entirely right to send me this memorandum, and I have already circulated it to my colleagues. I had hoped that we should be able to discuss it, at any rate in a preliminary way, today but unfortunately other very urgent items arose which prevented that. We shall, however, take it next week. The issues are very serious ones and though you clearly need a reply very soon, it may take us a few days to reach conclusions. The Prime Minister is away till the end of next week, and we may feel that final decisions must await his return. I will, however, do all I can to avoid delay in giving you our views.

3. Nehru is evidently going to be the most difficult element in our problem. I should judge from your account of the interview that he has pretty well made up his mind to force the issue without any sort of compromise with Jinnah that it would be possible for Jinnah to accept, but it still seems to me rather unlikely that anything of this sort will be deliberately attempted until after the elections are over, and some time has been given for the consultations which we have undertaken to promote. Nehru has a fairly sound sense of international publicity and I should think he would be careful to play his cards in such a way as to win the maximum support from outside for such a campaign. But even if this is a right diagnosis, it does not give me much comfort, because any sort of conversations in which the Congress were simply concerned to get themselves on the right side of the world public, would not be much use for practical purposes. Again, even if I may have rightly gauged Nehru's intentions, it does not in the least follow that his hand will not be forced by events before the elections, and the energy which he is working up for a further contest gets out of control.

4. I refrain from any sort of comment on your memorandum itself until I have had the benefit of the views of my colleagues, but you are certainly entitled to a clear answer to the questions you have put. If a statement of the sort you envisage is to be made, my feeling is that it should be not solely of a warning character, but should be linked with some reiteration of our intention to make progress with the constitutional problem after the elections. No doubt

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nothing we can say will convince Nehru and the more militant Congress leaders that anything good from their point of view can come from it. But it should have some effect with the outside world and the more moderate and reasonable elements in India. Anything of this kind will, however, require most careful drafting with a view to combining firmness with a constructive outlook.

5. In the meantime it seems to me essential to take what opportunities there are of endeavouring to lower the temperature and to convince those who are open to conviction that we mean some effective sort of business. I think it may be desirable for myself and some of my leading colleagues to make more reference to the Indian problem in public statements between now and the Indian elections, with a view to avoiding any impression that the matter is not one of major interest to us. Perhaps we have rather neglected the subject since September, feeling that nothing effective can be said until after the Indian elections. While this is undeniably the case I think perhaps it has given undue opportunities to those in India who are anxious to abuse the British Government, whatever its party complexion. I shall also take great pains to explain the situation and my views upon it to those members of the Parliamentary Delegation to India, when it is selected, who are capable of using the information wisely. The Delegation will certainly have to include one or two representatives of the India League supporters in Parliament, but as I am Chairman of the E.P.A. myself, I shall be in a good position to see that we get on the whole a sound selection of people.

6. I was glad to see from paragraph 12 of your letter that you think the announcement[4] on Palestine will do something to relieve Muslim feelings in India. It seems clear that the announcement has given greater dissatisfaction to the Jews than to the Arabs and from your point of view this is perhaps as much as can be expected of it! The enquiry which is now to take place will take a little time and it should serve to keep the issue out of the arena in India at any rate for most of the election period. I will mention to George Hall your views about the Grand Mufti. I do not myself know the merits of his case.

[Para. 7, on the Punjab–Sind water dispute; and para. 8, on an interview with the Princess of Berar, omitted.]

9. I told you that I had written to Barnes about passages for civilians. I have now had a very satisfactory reply[5] from him. As regards the rest of this year the official allocation of "troops spaces to and from India for civilian needs remains at 400 a month (which includes Service families) in each direction, but there is reasonable hope that towards the end of this period we may

[1] No. 190. [2] No. 194. [3] No. 188. [4] See No. 213, note 4.
[5] Dated 13 November 1945. L/S&G/7/741.

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be able to provide in practice for more civilians". He goes on to say that he cannot be precise because the movement of forces personnel for release and Python must be given priority, in accordance with the Cabinet's ruling.

This in itself is not very much, but Barnes goes on to make it plain that the allocation of 400 a month does not include berth sailings in commercial steamers not utilised as transports, and that in fact a considerable addition to the 400 a month figure has been forthcoming in October and November from this source. In October 191 of these berths were allocated to us and for November we have been given 508 more in the *Drottningholm*, which has just sailed, in addition to 465 places in troopships. I understand that the Service Departments are likely in the near future to allow the families of British Service personnel to go overseas, which will mean that a certain proportion of the civilian passages will be needed for a new class of applicant though I understand that every effort will be made to provide for as many as possible in troopships. These commercial sailings will continue and it is hoped that if there are no serious complaints about the accommodation it may be possible to arrange a second voyage of the *Drottningholm* to India.

As regards next year the allotment for the first quarter of 1946 for civilian purposes is 1,900 troop spaces in each of January and February outwards, and 2,000 in March. There will be 2,500 troop spaces homeward in each of the three months. There are of course difficulties in using troopships accommodation for women and children as nothing like the corresponding number of civilians can be carried, but in any event it is a very great improvement on what we are getting in the last quarter of this year.

I am conveying this information to you by private letter because I am given to understand that there has been a strong pull between the Service Departments and the Ministry of War Transport over this, and I think it would be desirable to keep the improved position for civilians confidential so far as possible. There is still great pressure here for more rapid demobilisation and we cannot exclude the possibility that if it were known that civilian needs were getting better treatment there might be an ill-informed demand to cut it down. I should like to suggest that your people working on this subject in India should be reticent as to the number of passages which have become available. I certainly do not think we are likely to secure anything better than what Barnes has now forecast, and I feel confident that we can leave it to him to do his utmost to secure that.

[Para. 10, on surplus warships for the Royal Indian Navy, omitted.]

11. On receiving your telegram[6] of 14th November I saw Nye and offered him the Madras appointment. He said he would be delighted to accept it and I think we are very fortunate to get him. He is an attractive person and there is no doubt about his ability. There are, however, some complications

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about the date when he could take over. Alanbrooke will not be back here till the end of the year at the earliest and he wants some time to take leave himself and to work in a successor to Nye. Nye tells me he has had a stiff time in the last three years and feels that he ought to get some leave before he goes out. He asked me to let him have two months, one to take a holiday and the other to inform himself of Indian affairs and fix up his arrangements. I have just discussed the position with him again and I am clear that we must extend Hope until a date some time in April to cover the period when a Ministry will have to be formed if Congress take office. But I am telegraphing about this separately.

[6] L/PO/8/41a: f 35.

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Governor-General (Home Department) to Secretary of State

L/PO/10/25

IMMEDIATE NEW DELHI, *17 November 1945, 10.40 pm*
SECRET *Received: 17 November, 10.15 pm*

No. 9630. Your telegram of November 15th, No. 25305.[1]

2. Position about bans on political organisations was reported in Viceroy's telegram No. 245-S.C.[2] of 13th October, and as regards Congress Socialist Party please see Porter's telegram to Patrick, dated November 10th.[3] We were contemplating withdrawal of orders under Defence Rule 27-A proscribing the Forward Bloc but have now decided to retain them in view of the deteriorating situation, protests against withdrawal by Provinces most seriously concerned and the inexpediency or probable ineffectiveness of Provincial orders (which in some cases would involve legislation) replacing them forthwith if withdrawn.

3. Applications for removal of disqualification from candidates for Central Legislature who were convicted of political offences have all been allowed. One application where disqualification was on account of corrupt practice was rejected. General policy to be followed for both Central and Provincial Legislatures is that disqualifications are removed on application where offence has not involved violence.

4. Central Government has no order in force restricting public speaking or political association and only one restricting movement. This is an order

[1] No. 211. [2] No. 141.
[3] The reference may be to tel. 9617 of 17 November. L/P&J/8/471: f 72.

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externing from British India a subject of an Indian State. We have recommended to Provinces that all restriction orders should be cancelled. We did not call for and have not received reports on Provincial reactions to this recommendation but assume that on receipt it was considered and orders then existing reviewed.[4] It can be said that any restriction orders now in force are required only for security reasons or for the maintenance of law and order.

5. We suggest that the licence exhibited in speeches by political leaders of which you will have received press reports refutes any insinuation that the elections are not as free as possible.

[4] As a result of a further enquiry from the S. of S., the G. of I., Home Dept. sent him full details of remaining Provincial restriction orders on political activities in tel. 10367 of 18 December. L/P&J/8/471: f 40.

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Minutes by Mr Turnbull and Note by Lord Pethick-Lawrence

L/PO/6/113: ff 76–82

17 November 1945

Secretary of State,
The following are some reflections of my own on the political problem, which may possibly be of some use.

1. H.M.G. are committed by the Statement of the 19th September,[1] read with the 1942 Draft Declaration,[2] to the following:

(a) An attempt to form an All-India Union which will have full Dominion Status with the right to secede.
(b) To holding a Constituent Assembly, the conclusions of which, unless there is agreement otherwise[3] at the prior discussions held after the elections, will not apply to any province which opts out of the Union.
(c) The Constituent Assembly will be elected by indirect election by all members of the Lower Houses of Provincial Legislatures voting as a single body and electing approximately 1/10th of their number.[4]
(d) The States will be invited to attend the Constituent Assembly but their adhesion to the Union will be entirely optional, and the option will be exercised by the State Government (i.e. His Majesty's Government are committed[5] to the formation of an Indian Dominion which does not include the States or any provinces which opt out).

In addition an attempt is to be made to form at the Centre a Political Executive on Simla lines "as soon as the results of the Provincial elections are published".

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2. We therefore have three steps in view:

(i) The Attempt to form the Central Executive.

(ii) Discussions "with representatives of the Legislative Assemblies in the Provinces" and representatives of Indian States, on the character of the Constituent Assembly. (These are also to be held "immediately after the elections".)

(iii) The Constituent Assembly itself.

It seems to me that (i) and (ii) will in fact be very closely linked. Let us assume what is quite probable, and is in any case the worst possibility, namely that Jinnah gets a sweeping majority for the Pakistan mandate in the Moslem constituencies and that the Congress sweep the general seats. Jinnah's attitude at the Simla Conference appeared to everybody very unreasonable, but I do not think there is any reason to suppose that it will be materially different after the elections. It may be stiffer if his programme has been endorsed by Moslems generally. On the other hand he is perhaps unlikely to say that he will not in any circumstances participate in an interim Central Executive. He is more likely to say that he will do so provided he has equality with the Congress and that he has assurances about Pakistan. The assurances he may ask for seem to be:

(a) That H.M.G. should undertake that there should be a Pakistan if a plebiscite of Moslems only in the provinces where Moslems are in the majority, demands it.

or

(b) For a greater appearance of reasonableness, he may demand that the proposed Constituent Assembly should have a procedure or composition which will have the same effect as (a), i.e. that the Pakistan issue is decided by Moslems only. For example, he might say that if two-thirds of the Moslem delegates at the Constituent Assembly demand Pakistan, it should be agreed to. He may also demand that the Moslem representatives at the Constituent body should be elected by Moslems only, in short that the electoral college should elect representatives in communal electorates and not jointly.

It seems to me virtually impossible for Jinnah to agree to a Political Executive at the Centre without assurances on the main issue. Once a Political Executive is installed it will be in a very strong position and over a period of time could no doubt, if it has the existing powers of the Government of India, make life very difficult for Moslem Governments in the Provinces. Theoretically the

[1] No. 116. [2] Vol. I, No. 456.

[3] Lord Pethick-Lawrence crossed through the words 'there is agreement otherwise' and substituted 'a variant is found to be preferable'.

[4] Lord Pethick-Lawrence minuted: 'Also unless a variant is found preferable.'

[5] Lord Pethick-Lawrence minuted: 'Only if their scheme is accepted.'

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Viceroy may be able to prevent this by his personal influence, or his veto, but in practice it seems to me very doubtful whether he could. Therefore it seems to me that the discussions on the Central Executive and the character of the Constituent Assembly are likely to be inter-locking, but we are faced with the fact that the statement of September last seems to contemplate two separate discussions. The "Representatives of the Legislative Assemblies" may include the main leaders but nothing has been decided yet about how they are to be chosen and some of the leaders are not in the Provincial Assemblies, for example, Jinnah himself, who is a member of the Central Legislature. It will be very difficult to conduct the crucial negotiations of this kind with anybody except the principals.

On the Congress side we are faced with a demand for the immediate independence of India. As always, the utterances of Congress leaders and the resolutions of the Congress caucus are very conflicting. The more influential leaders, Nehru, Vallabhbhai Patel and Pant are saying now that the resolution of August 1942[6] is the Congress banner. The crucial passage in this for modern purposes is as follows: "The A.I.C.C. therefore repeats with all emphasis the demand for the withdrawal of the British power from India. On the declaration of India's independence a [provisional] Government will be formed and free India will become an ally of the United Nations.... The provisional Government can only be formed by the co-operation of the principal parties and groups in the country. It will thus be a composite government representative of all important sections of the people of India.... The Provisional Government will evolve a scheme for a Constituent Assembly which will prepare a constitution for the Government of India acceptable to all sections of the people. This constitution, according to the Congress view, should be a Federal one with the largest measure of autonomy for the federating units and with the residuary powers vesting in these units...." At the close of the resolution follows the well-known paragraph authorising the starting of a mass struggle on non-violent lines under the leadership of Gandhi, which led to the 1942 troubles. The resolution concludes: "Lastly, while the A.I.C.C. has stated its own view of the future governance under a free India, the A.I.C.C. wishes to make it quite clear to all concerned that by embarking on a mass struggle it has no intention of gaining power to [for] the Congress. [The] Power when it comes will belong to the whole people of India."

The Congress resolution of September 22nd, 1945,[7] also contains a passage in a moderate tone as follows: "The method of negotiation and conciliation, which is the keynote of peaceful policy can never be abandoned by the Congress no matter how grave be the provocation, any more than can that of non-cooperation, complete or modified. Hence the guiding maxim of the Congress must remain: negotiation and settlement when possible, and non-cooperation and direct action when necessary."

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3. It is clear in all this that whatever the methods, the Congress objective is that British authority should be withdrawn before there is a constitutional settlement. I do not suppose that they mean by this that the Viceroy, the Governors and all British officials should pack their trunks and leave the country, but rather that there should be a positive statement by H.M.G. that the British Government intends to hand over all authorities to Indians at a given and very near date, and that such a withdrawal is going to take place before long. In effect this would no doubt mean that the Congress would seize power because they alone have a big enough political organisation to have any control over the course of events in the larger part of British India. No doubt the Congress would hold some sort of consultation with other parties, but it is doubtful if it would be very real or effective consultation. Although Azad, before the Congress Resolution of September last made certain statements about meeting the Moslem desire for autonomy, this did not find any very prominent or well defined place in the Congress resolutions, and they were always so worded as to avoid committing the Congress to *provincial* option. We now have Nehru saying that the Moslem League is intolerable and non-representative, and that the Congress will not approach the League unless it makes overtures. He is also threatening to resume the mass struggle, at any rate unless the Labour Government quickly make a transfer of effective power to Indians.

At the beginning of April therefore a very dangerous and difficult situation will arise. Broadly, it seems to me that H.M.G. will be faced with three main alternatives, assuming, as I do, that there will not be Indian agreement. These alternatives are:

(a) To tell Jinnah that his claims are unreasonable and that if he will not join in an interim Executive H.M.G. will authorise the Viceroy to form one without the Moslem League, including Congress, and Moslem representation drawn from outside the League, if necessary from officials.

(b) To accept Jinnah's objections, form no Central Executive and make no constitutional progress. This means a clash with the Congress on a bad world publicity wicket and would, I imagine, be unacceptable to the British Government.

(c) To formulate ourselves a compromise which is less than what Jinnah demands, but goes some way to meet him. This might be rejected by both Congress and the Moslem League or accepted by one or the other, and might in the end lead to the same as (b) but be much more readily justifiable at home and abroad.

4. The framing of such a compromise will not be easy or simple, and it seems to me that we ought to bend our minds in consultation with the Viceroy,

[6] See Vol. II, No. 470. [7] Cf. Enclosure 3 to No. 115, last para.

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to framing a set of proposals which will be available for this purpose and which might command support from reasonable people in India. Unless when the time comes the Viceroy and H.M.G. have something of this kind to throw into the negotiations at the right minute they seem to me to be bound to fail without any appearance of constructive effort on our part.

I think any such set of proposals will have to deal with the Pakistan issue in some way. We are committed in effect by the Cripps Declaration of 1942 to Provincial option, but that offer was always subject to Indian agreement and if Indians confer about it and there is now, as there was in 1942, complete divergence of view on essential points including this one, I do not see why H.M.G. should not lay down an alternative. On the assumption that there is a substantial Moslem vote for Pakistan, I do not see that H.M.G. could ignore the Pakistan claim. We therefore have to find a means of satisfying it in a way as acceptable as may be to Hindu opinion, and in a way which does not raise an acute minority problem inside Pakistan. Lord Wavell's arguments against Provincial option were that if the Punjab went into it as a whole large Sikh and Hindu areas would be included.[8] There are admittedly very great difficulties about partitioning the Punjab, but I would have thought the Viceroy should be asked to turn on his officials to work out a scheme for a North-West Pakistan which H.M.G. could support, based on partition in the Punjab. At any rate we ought to know whether this is a feasible proposition or not, in the last resort. The same applies to Bengal and Assam, which are claimed by Jinnah for Pakistan. Any sort of examination of these problems would have to be done very secretly.

5. The other main problem in finding an interim solution is the relations of the Provinces and the Centre. If you set up a political executive at the Centre and the existing constitution remains in force, a good many anomalies arise. During the Coalition Government in the discussions leading up to the Simla Conference, consideration was given[9] by Ministers to a possible alternative to Lord Wavell's plan (which was in the end approved) which was broadly as follows:

(a) A Political Executive Council would be formed on the lines Lord Wavell contemplated, which would not be responsible to the Legislature.
(b) The British India part [of the] Federal Legislature under the 1935 Act would be formed, in substitution for the Central Legislature—i.e. an indirectly elected body based on the Provincial Legislatures.
(c) The Act would be amended to give the Federal Legislature and the Federal Executive the powers of the Federal Government under the 1935 Act.

The main consequences of (c) are that the Viceroy, instead of having a general power to veto his Executive when he considers that the safety, interests or tranquillity of British India are affected, has the more strictly defined powers

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under the 1935 Act, i.e. special responsibilities and defence and foreign affairs as reserved subjects. Consideration was given to transferring foreign affairs to the new Political Exectutive. The main objection to this is that so long as H.M.G. remains responsible for Indian defence and large numbers of British troops are involved in it, India can hardly have a foreign policy of her own which may involve her in foreign disturbances. The second consequence is that the powers of the Centre over the Provinces are reduced. The Federal structure would have to be amended because as passed in 1935 the Federation can only be set up if a fairly high proportion of the Indian States could come in. Examination of this proposal showed that very substantial amendment of the Act of 1935 would be required which was thought impracticable in the middle of the war, but I do not see why it should be impracticable for the present Government.

6. If, in the course of the negotiations, or as a result of the situation in general, it were found essential to have Pakistan, I do not see why we should not have a structure of the kind suggested above for British India, and have a Pakistan outside it. The relations between the two in essential matters such as defence, foreign affairs, and possibly some others, conducted under the auspices of the Viceroy as Crown Representative in the same way as the relations with British India and the Indian States are co-ordinated now. This would however depend on the outcome of the examination under para. 4 above.

7. I put forward these thoughts now because it seems to me that the discussion on Monday afternoon may raise the question what the ultimate course of H.M.G. will be if a deadlock arises in April. The extent to which any statement made now warning the Congress that a firm line will be taken can be mitigated by some positive assertion in the political field, depends a good deal on how far H.M.G. intend to go in the last resort to meet the Congress point of view; whether they are prepared to turn down *in toto* or in large measure Jinnah's claims and risk any violent consequences from Moslem agitation. That is a very big issue but it is one which ought to be weighed really before anything is said which encourages the Congress to think that their attitude will be met, and therefore tells the Moslems that theirs will not.[10]

F.F.T.

Note by Lord Pethick-Lawrence

undated

Supposing after t[he] elections Jinnah refuses to take part in the constituent assembly but the Congress are willing to do so on certain terms. What could those terms be? And what could then happen?

[8] See Nos. 51 and 82. [9] See Vol. V, Chapter 3 of Summary of Documents.

[10] Lord Pethick-Lawrence commented on this minute 'Very helpful. I will take to I[ndia] & B[urma] C[ommit]tee.'

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Is it possible to imagine a constituent assembly proceeding with representatives of the Congress provinces only
all
+ none of the States? If this body then formed a constitution for these parts
some
of India could Britain concur in this & make a treaty with it? Could we make any promise as to this in advance?

Could we set up any form of central Gov[ernmen]t for these parts of India? Meanwhile what w[oul]d be the response o[f] Jinnah to such a scheme? And what should we be prepared to say to him & to such States who remained outside?

Minute by Mr Turnbull

undated

Congress terms might be:—

(1). C[onstituent] B[ody] to draft a constitution for all India.
(2). H.M.G. to impose the constitution so drafted on all India subject to a right to a Province to opt *out* after a period of years. They might agree to States standing out & rely on forcing them in later.
(3). Declaration of India's complete independence (in or out of the Empire). At best they might ask for India to be included under the Stat. of Westminster.
(4). States' Representatives at C[onstituent] B[ody] to be elected by the people & not nominated.

I take it H.M.G. would have to refuse such terms which are little less (but more formal) than the phrase "Quit India".

2. H.M.G. might, if the[y] decide it is practicable, announce that as a result of the preliminary discussions, they are satisfied that no progress is possible except on the basis of a partition of India. They could announce that a delimitation enquiry will be instituted & that thereafter separate constituent bodies w[oul]d be formed for Hindu India & Pakistan. This w[oul]d be a most controversial decision & might lead to Hindu non-cooperation even in Hindu India, but it may be the only way. If it were done I think States within Pakistan area should go the [to] the Pakistan C[onstituent] B[ody] & those on its margins be allowed to opt, or to attend both.

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India and Burma Committee I.B. (45) 7th Meeting, Minutes 1 and 2

L/P&J/8/525: ff 394–401

Those present at this Meeting held in the President of the Board of Trade's Room (No. 4), House of Commons on 19 November 1945 at 3.15 pm were: Sir Stafford Cripps (in the Chair), Lord Pethick-Lawrence, Viscount Stansgate, Miss Ellen Wilkinson, the Earl of Listowel

Also present were: Mr A. Henderson; Mr E. A. Armstrong and Mr J. P. Gibson (Secretariat)

I. THE INDIAN SITUATION

THE COMMITTEE had before them C.P. (45) 281,[1] memorandum by the Secretary of State for India.

THE SECRETARY OF STATE FOR INDIA said that quite apart from the Viceroy's representations as set out in the memorandum, there was much independent evidence to show that Nehru, Patel and other Indian leaders were advocating their views with growing vigour and determination. Indian opinion was disturbed on certain issues, e.g. the situation in Indonesia and the trial of members of the I.N.A. As regards the latter it was clear that there was no general appreciation in India of the leniency with which the offenders were being treated. The Secretary of State felt that we had not succeeded in presenting our policy to India satisfactorily and continuously. No effective answer had been made to the speeches of the Congress leaders. Much of what these leaders had said could be regarded as electioneering exuberance, but some of the speeches had gone beyond mere electioneering and could be regarded as definitely seditious. The Secretary of State proceeded to say that of the five points referred to in his paper arising from the Viceroy's memorandum the most constructive was the proposal that a public statement should be made dealing with the political situation generally, and giving an answer to the questions that are being asked. Any friendly references to India in speeches would, of course, have a good effect, but it was now nearly three months since any major pronouncement had been made and the time seemed to have come when a further statement of policy was desirable.

THE CHAIRMAN said that he had recently had a long talk with Rajkumari Amrit Kaur, one of Gandhi's secretaries who had come to London for the Conference on Education. She took a very serious view of the present situation in India and attributed it to the following circumstances:—

(i) events in Indonesia;

[1] No. 210.

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(ii) the I.N.A. trials;
(iii) the failure to appoint a government to replace the present central government;
(iv) lack of realisation that it was our intention to implement the statement of policy which we had made, with or without the co-operation of the Moslem League.

She considered that it would do much to avert impending dangers if British policy could be adequately presented to Indian public opinion. She had suggested the following measures:—

(a) the despatch to India of a Parliamentary delegation;
(b) that the Viceroy should see Gandhi;
(c) that the Secretary of State for India should invite Nehru and Jinnah to come to the U.K. for discussions;
(d) that the Secretary of State for India should make it clear that it was our definite intention to proceed to implement our proposals after the elections and that we were not seeking an excuse for delay.

THE COMMITTEE considered these suggestions and the following points were made:—

Parliamentary Delegation

THE COMMITTEE strongly supported the idea that a parliamentary delegation should be sent to India. It was felt that the arrangement could best be made under the auspices of the Empire Parliamentary Association. The Committee were informed that the normal procedure would be for members of the delegation to be chosen by the Speaker on the advice of the Whips. There was a general discussion as to the composition of the delegation, and emphasis was laid on the need for selecting the most suitable representatives. As regards the expenses of the delegation, the Chairman and the Secretary of State for India undertook to consult with the Chancellor of the Exchequer with a view to the expenses outside India being accepted as a public charge. It was agreed that an announcement regarding the proposal to send a parliamentary delegation should be made within a week. The Committee considered that it was essential that the delegation should be free to make their own arrangements in India and the Viceroy should be instructed accordingly.

The Viceroy and Gandhi

On this point THE SECRETARY OF STATE FOR AIR pointed out that if the position of the Viceroy were not to be weakened, it would be necessary for the meeting to take place while the situation was under control. The question was raised as to whether Gandhi retained the influence which he formerly had. THE CHAIRMAN said that Gandhi still exercised an immense influence on Indian

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public opinion. He might not have as much control over Nehru, but Nehru would be influenced by the results on Indian public opinion of action taken by Gandhi.

THE CHAIRMAN said that he understood that Gandhi was ready and willing to influence Indian opinion towards moderation.

Visit to the U.K. by Nehru and Jinnah

THE CHAIRMAN said that he had received a letter[2] from Nehru recently. This letter showed that Nehru's present mood was one of hopelessness. He had said that unless some miracle happened he feared the worst. The Chairman had been inclined to interpret the letter as an intention to bring their relations to an end. But Amrit Kaur and other friends of Nehru had expressed the view that this letter was by way of a *cri de coeur* and that if invited to London Nehru would come.

THE SECRETARY OF STATE FOR INDIA agreed that Nehru's present mood was one of hopelessness but we might change his outlook if we could inspire him with the certainty that His Majesty's Government meant business, and that Indians had a real prospect of taking over the Government of their country.

Statement of policy by the Secretary of State

THE CHAIRMAN suggested that the Secretary of State for India might make a general statement of policy on the occasion of the announcement of His Majesty's Government's intention to send a parliamentary delegation to India. This would ensure that the statement of His Majesty's Government's policy would have the fullest publicity.

THE COMMITTEE then turned to a consideration of the points set out in C.P. (45) 281, arising out of the Viceroy's memorandum.

(a) *Assumption by the Viceroy that there will be no question of the acceptance of a Congress ultimatum*

While there was general agreement with the Secretary of State for India's suggestion that he should give the Viceroy an assurance that his assumption was justified, and that there would be no question of giving *carte blanche* to Congress, it was pointed out on the other hand that after the elections, Congress would be the majority party, and it would not be possible to treat them as an irresponsible party claiming power.

(b) *Question of action against Congress now*

The Committee agreed that there would be no justification for moving against Congress now unless such action was necessitated by disorders.

[2] Not traced in India Office Records.

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(c) *Proposal that His Majesty's Government should make an early declaration of their attitude towards the growing threat of violence*

THE SECRETARY OF STATE considered that there was no need for an immediate statement, but that it should be made as part of a more general statement of policy. The general feeling of the Committee was that the Viceroy's point could be met in this way provided that it was treated with moderation.

(d) *Forces available in India*

The Committee were informed that the Chiefs of Staff had this matter under consideration and had asked[3] the Commander in Chief India for an early appreciation of possible military commitments.

(e) *Viceroy's request for an assurance of support for such action as may be necessary*

The Committee agreed with the line proposed by the Secretary of State for India, viz. that this assurance should not be refused but that the Viceroy should be asked to keep the Cabinet in close touch with the situation, and warned that action should not be taken except on the direct approval of His Majesty's Government.

In the light of the discussion recorded above, THE COMMITTEE:—

Invited the Secretary of State for India to prepare a paper for the information of the Cabinet setting out:—

(a) the proposals approved by the Committee in the discussion for dealing with the Indian political situation;
(b) the answers which as a result of the discussion he proposed to give to the Viceroy.

2. POLICY AFTER THE ELECTIONS

THE SECRETARY OF STATE FOR INDIA said that it would be some time before we could decide what policy we should adopt after the elections, in the light of the attitudes of Congress and the Moslem League. He proposed to prepare an appreciation of what both parties were likely to do and what our attitude towards them should be.

In subsequent discussion, the following points were made:—

(a) *The Constituent Assembly.* Reference was made to the probable attitude of Congress and the Moslem League respectively after the elections to the Constituent Assembly. The Congress Party would almost certainly participate. The attitude of the Moslem League, on the other hand, was less clear. They might feel bound to participate in order to state their case for Pakistan in the Assembly. Alternatively, they might refuse to participate unless specific guarantees relating to Pakistan were given

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beforehand. It was suggested that the issue of Pakistan was one which might be left to the Constituent Assembly. It was pointed out, on the other hand, that definite pledges to provincial Pakistan were embodied in the Cripps offer.

THE SECRETARY OF STATE FOR INDIA said that he foresaw two difficulties.

One was whether His Majesty's Government would necessarily adhere to provincial decisions which were likely to be a source of much difficulty, particularly in the Punjab. The hope was expressed that some resolution might emerge from the deliberations of the Constituent Assembly, e.g., the re-allocation of provincial boundaries, which would ease this particular difficulty.

The other difficulty which the Secretary of State for India foresaw was whether Congress would co-operate on the basis of pledges about Pakistan. THE CHAIRMAN said that there was reason to believe that Congress appreciated that Moslems could not be forced into a Constitution which they did not want; what Congress on the other hand were anxious to have [was] an opportunity in the Constituent Assembly of persuading the Moslems to come in.

(b) *The Central Government.* THE SECRETARY OF STATE FOR INDIA said that it was believed in some quarters that Congress would not form a representative Government in the provinces unless they were assured of participation in a new Central Government.

THE CHAIRMAN said that if the Moslem League refused to participate, a central Government would have to be formed without them, possibly with the inclusion of Moslems from outside the League. Clearly, it was essential that a new Government should be formed at the Centre, as a result of the elections.

(c) *Indian States*

THE SECRETARY OF STATE FOR INDIA said that it was not known whether the Indian States would send representatives to the Constituent Assembly or not. But we might reach a position in which there would be pockets of Indian territory, some of them Moslem areas, some of them Indian States, which refused to accede to an all-India constitution. There would thus be two kinds of central government, one for Congress India, the other for the non-acceding areas.

THE CHAIRMAN said that it had been made clear that His Majesty's Government could not contemplate a third dominion for the States only. But we had also said that the States would have to adjust their treaty

[3] No. 212.

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relationships, in economic matters, with the new Indian governments. As regards matters of paramountcy His Majesty's Government would maintain its connection with the States until such time as fresh treaties had been negotiated by them with the new Indian Government.

THE SECRETARY OF STATE FOR INDIA said that he had suggested to the Viceroy[4] that he should consider initiating conversations with the Indian States so as to induce the Rulers to take steps in the direction of modernising their administrations and introducing more popular forms of Government. The Viceroy had been asked to keep the India Office closely informed of his plans. He had also been advised to begin his consultations by approaching some of the larger Indian States. At a later date he could make a public statement as had been agreed.

THE COMMITTEE took note of the Secretary of State for India's intention to prepare an appreciation of the position which might arise after the elections and the consequent attitude of His Majesty's Government.

[Minute 3, on the situation in Burma, omitted.]

[4] No. 197.

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Sir M. Hallett (United Provinces) to Field Marshal Viscount Wavell

Wavell Papers. Official Correspondence: India, January–December 1945, pp. 369–71

PERSONAL AND SECRET *19 November 1945*

My dear Lord Wavell,

I wish to keep you fully informed of all the information I get about the present situation. I told you about the trouble in Lucknow over I.N.A. processions; my C.I.D. officers write as follows:—

> "The publicity on this subject has been a useful gift to political parties, especially the Congress, in their electioneering campaign and they have succeeded in raising an intensity of feeling about it throughout the country, which was as unexpected as it is illogical."

I admit the feeling over this may be illogical, but I cannot regard it [as] unexpected. As Nehru is visiting Lucknow, the Deputy Commissioner has withdrawn his Section 144 orders and we will see what happens.

2. The same officer comments that the Indonesian rebellion has aroused antipathy to the British among all parties. I do not know that I would say

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all parties; the Muslims are not worried about Indonesia but are worried about Palestine. It is Congress and the Nationalists who regard this as another example of Imperialism.

3. This report also shows that terrorist organisations are beginning to re-form, which is not unexpected after recent releases; another serious thing is that there are signs of the formation of private armies; that I had also noticed from other reports, though there is nothing very overt at present. There are reports that brigades may be started at Benares and Allahabad, the latter to be trained by an ex-Lieutenant of the I.N.A., Harish Chandra Varma. Another report is of a circular issued by Achute Patwardhan which directs that contacts should be established with demobilised soldiers and families of I.N.A. prisoners and with civil and railway officers and their families. I do not know of course how much these leftist activities are supported by or instigated by Nehru and the major Congress leaders, but the left always has considerable influence and we must not neglect their activities. I am afraid that I always feel that at the time of the rebellion of August 1942, we were a bit let down by the C.I.D.; they gave me a list of possible activities of Congress which probably included sabotage and attacks on communications, but it was not given prominence and I well remember—and this is confirmed by looking up my old correspondence—that I told Lord Linlithgow that I and my officers never expected such serious trouble; it might have been my fault, but I was not the only person who made the mistake. The weekly printed reports prepared by the D.I.B., which I see, make very dull reading; they contain often only much that is in the published news, supplemented by a few intercepted letters. I do not know what they send on to my C.I.D. and I do feel that we are up against such a dangerous situation that the D.I.B. should do all that is possible to obtain inside information and that either the weekly printed report should contain this information or that some more confidential report should be sent out to Governors and Army Commanders to keep them in the picture. Abell will no doubt be able to fix this up with D.I.B.

4. Another very crucial point is about the I.N.A. I have already given you my ideas about the inefficiency of the publicity arrangements and I see Christie has raised the same point with the Home Department. The result of the full publicity given to Congress propaganda in support of these traitors is that I see a report from Benares that some agitator there threatened that if I.N.A. men were not saved, revenge would be take[n] on European children. In Agra, Hindi and English handwritten leaflets are said to have been found in a hotel that if any I.N.A. soldier were killed, Britishers would be murdered. These may be rather petty matters, but they do show which way the wind is blowing. Some released I.N.A. prisoners from Jubbulpore were entertained in Allahabad at Congress headquarters which is practically Nehru's home, while there is

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also a report that R.I.A.F. personnel in Allahabad, Bamrauli and Cawnpore subscribed to the defence.

5. I think it right to give you this report, for I do not know what information is sent up to you. I am sending a copy of this letter to Rutherford and Twynam who realise the position as well as I do. I am sending also a copy to General Scoones of the Central Command. I apologise for being so pessimistic, but I do not like the position, and you must, I feel, recognise fully the value of information from all sources.

Yours sincerely,
M. G. HALLETT

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET
No. 43

VICEROY'S CAMP, GWALIOR,
20 November 1945

I am writing from Gwalior, having flown here from Delhi on Sunday. Since I wrote my last weekly letter, I have received two of yours dated 2nd and 8th November.[1] During the week I have sent you by hand of Jenkins my private and secret letter of the 16th November.[2]

2. Part of my letter of the 16th November was concerned with service morale. You will receive in this bag a copy of a letter from Twynam which discusses the same subject.[3] The C.P. Government have been issuing Press Notes and bringing suits for damages in the hope of countering the campaign of defamation of Government servants, but it is very difficult to devise a satisfactory remedy. I am considering whether to recommend legislation to enable Government to direct that such cases be heard *in camera* so as to prevent the proceedings being used for publicity by those who are deliberately seeking to undermine service morale.

You will be interested in a report about the post-war Indian Army, which is contained in paragraph 1 of the Fortnightly Security Intelligence Summary No. 7 of 9th November 1945.[4] I am sending this summary in the bag.

3. In paragraph 4 of your letter of the 2nd November you asked about the cases of certain political prisoners. I am looking into this and will let you have a report as soon as possible.

4. I have sent you by telegram my views about broadcasts over the B.B.C. by Indian political leaders.[5] I fear that if we tried to implement such a scheme,

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we should be likely to involve ourselves as well as the B.B.C. in a very considerable amount of criticism and embarrassment. Broadcasts by a good B.B.C. commentator would probably give the British public a more balanced view of the Indian political situation and would be free from the objections I have mentioned.

5. I agree with much that you say in paragraph 3 of your letter of the 8th November, about the allowances that must be made for electioneering speeches. It is true that the Congress, in order to keep their various followers together, must concentrate on the Quit India theme and its variations rather than on the real issues of which a compromise with the Muhammadans is the most important, since violent differences of opinion soon arise in Hindu ranks on this issue. I have evidence that G. D. Birla is alarmed at the violence of Congress speeches, and has told the editor of *The Hindustan Times*, which he owns, to lower its tone.

6. If the Congress are really determined, as appears from their leaders' speeches, not to negotiate with the Muslim League and if the Muslim League are equally unprepared for any compromise, the situation that you and I will have to face at the discussions next summer will clearly be most difficult. If His Majesty's Government attempted to delimit Pakistan, I doubt whether any frontier would be acceptable to both parties. The Congress would only accept demarcation which left the Muslims with an area that clearly made partition not worth while. They will not of course agree to the handing over of the Punjab and Bengal to the Muslims on a purely communal vote, and as a vote of the whole adult population or of the enfranchised population would be unlikely to provide the result that Jinnah requires, Jinnah can hardly accept anything less than the present provincial boundaries on an option to be exercised by Muslims alone. It is tempting to say that His Majesty's Government must obviously bring pressure to bear on the Muslims in view of the unreasonableness of their claim, rather than on the Hindus. But there is certainly something in the Muslim view that they cannot reduce their demands without depriving themselves of the only possible safeguard against Hindu domination. And I doubt whether effective pressure could be brought to bear without causing civil strife.

7. I appreciate the force of the points you make against an arranged question and answer on provincial option. I will write to you separately about this when I have received advice.

[1] Nos. 184 and 201. [2] No. 213. [3] No. 203. [4] Not traced in India Office Records.
[5] This suggestion had been made to Lord Pethick-Lawrence by a deputation from the Indian Conciliation Group. Lord Wavell's reaction had been sent initially in tel. 1997-S of 16 November. L/PO/10/18.

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8. In paragraph 6 of your second letter you mention the interview you gave to Anthony. I have considerable sympathy with the Anglo-Indians, but it is extremely difficult to arrange any effective conference at which all minorities can be heard. The more minority representatives are included, the more risk there is of allegations that the house is being packed against the Congress, and the more risk that invitations will be refused. I will, however, bear in mind the Anglo-Indian claim when the next occasion arises. They are in numbers a very small minority.

9. I wrote to you on the 5th November[6] about the allegations of ill-treatment during detention made by S. B. Yajee. I hope to be able to write again very soon when Thorne reports on conditions in the Red Fort.

10. Protests against the use of Indian troops in Indonesia continue. I realise how difficult the situation is there and appreciate that it is impossible to let down the Dutch entirely, especially when they have made all their shipping available for the uses of the United Nations and consequently cannot move troops or supplies themselves. But from the Indian point of view it continues to be a most embarrassing business and the sooner we are out of it, the better.

11. I hope to be able to let you have Srivastava and Hutchings' review of the Bengal food situation in a few days. Meanwhile, as I have informed you by telegram,[7] the food situation has definitely taken a turn for the worse. Bombay want 400,000 tons owing to the failure of their *rabi-jowar* crop. Madras are short of a similar amount owing to the cyclone and tidal wave. On top of this Bihar expect to have to make increased demands on the Centre, and you have asked for a small loan of rice for Ceylon. Bombay consider that if the Bombay rations have to be reduced from the present level of 1 lb., other Provinces in India should reduce their rations too. I shall be very sorry to have to add another all-India grievance to those which are being exploited already by the politicians; and I am doubtful whether all Provinces would co-operate.

[Para. 12, on facilities for American news agencies, omitted.]

13. I have seen a private letter from Crowther, the Editor of *The Economist*, to Wint, in which Crowther says that he realises that a more direct knowledge of India would be very useful to *The Economist* and indicates that he might be willing to visit India himself some time. I have not met Crowther, but I believe that a visit to India by a journalist of his standing would be very useful, and if you have an opportunity of encouraging the idea, I shall be glad if you will do so.

14. Thank you for your letter of the 9th November[8] about opium, on which I am taking advice.

[6] No. 190, para. 3. [7] 2009-S of 17 November. L/E/8/3341. [8] L/E/9/732.

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Field Marshal Viscount Wavell to Maulana Azad

Wavell Papers. Official Correspondence: India, January–December 1945, pp. 371–2

GWALIOR, *20 November 1945*

Dear Maulana Sahib,
Thank you for your letter of 7th November 1945.[1] I am grateful for your assurance that you are prepared to do all you can to create and maintain a peaceful atmosphere, and I share your belief that a peaceful and honourable settlement of the Indian question is possible. But we should not ignore the difficulties and dangers with which we are likely to be faced, and I do not believe that the removal of the few remaining bans on political associations or the release of the remaining security prisoners—nearly all men with a terrorist record—would have any appreciable effect on the situation, as your letter implies.

2. Since my letter of 27th October[2] was written, prominent Congress leaders have made speeches and statements indicating that they believe a violent mass movement to be inevitable, to be followed if necessary by what is described as "civil war" between the communities. If this is now the official policy of the Congress Party—and I presume that leading members of the Party have not made their recent speeches without party backing—I must tell you frankly that the chances of a satisfactory settlement are small. I believe that nothing could be worse for India than a period of disturbance, which would result in economic and political stagnation, and you will, I am sure, appreciate that neither His Majesty's Government nor I as Governor-General could permit violence and disorder. I am most anxious that the elections, both Central and Provincial, should be held without undue excitement so that we may resume our discussions next year in a favourable atmosphere, and I trust that the Congress leaders will not make it impossible for me to achieve this aim.

3. I need not comment in detail on the other matters mentioned in your letter. As to the attitude of the Congress Socialist Party, the Government of India are in possession of evidence which shows that the document from which I quoted represents the official party view.

Yours sincerely,
WAVELL

[1] No. 196. [2] No. 173.

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Sir A. Rowlands to Sir D. Monteath (Extract)

MSS. EUR. D. 714/71

PERSONAL AND SECRET NEW DELHI, *20 November 1945*

Things out here seem to get worse and worse, and I do not think I am an alarmist in thinking that we in India will be extremely lucky to get through till June next without serious trouble. Everything points to the absolute necessity of some solution being found when the elections are over.[1]

[1] The remainder of Sir A. Rowlands' letter deals with the question of his leave.

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Government of India, Home Department to the Secretary, Political Department, India Office

L/P&J(S)/File 2188 of 1945: ff 5–11

No. 21/6/45-Poll (I) NEW DELHI, *20 November 1945*

Sir,

I am directed to forward for information a copy of a note prepared by the Director, Intelligence Bureau, on the I.N.A. situation.

I have the honour to be,
Sir,
Your most obedient servant,
F. G. CRACKNELL
Deputy Secretary to the Govt. of India.

Enclosure to No. 222

SECRET INTELLIGENCE BUREAU, HOME DEPARTMENT

The situation in respect of the Indian National Army is one which warrants disquiet. There has seldom been a matter which has attracted so much Indian public interest and, it is safe to say, sympathy. Public feeling is based on political, racial and sentimental considerations and has been influenced in a very great extent by the Press and platform writings and speeches of political leaders and organisations. The general Nationalist Press is completely in accord with political outcry and the effect the publications in question have is undoubted, for many of them are most popular and widely-read even in rural areas. The

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general line of the nationalist case is that the men of the I.N.A. were actuated by patriotic motives and the demand is made that none shall be punished. If there is punishment the result attending it will be racial bitterness which will last down through the ages. The combined emphasis of current propaganda is on the treason aspect of the cases and other crimes are ignored. The way of propagandists is made easier because they have no counteracting propaganda with which to contend, and it is difficult to conceive now what counter effort could be effective in circumstances in which the country's ear has largely been captured.

Congress has led this outcry since its commencement and continues to do so. Whatever the motives of Congress may be, there is no doubt of the vast importance which is given to the subject in Congress's estimation and there is nothing to suggest that Congress might minimise its efforts or be diverted in any degree from the course it has adopted without complete Governmental acceptance of the demands put forward. On the contrary, there is every indication that Congress will use all the means available to it to create a still greater country-wide demand and to inflame public opinion and that it will continue to pursue this line determinedly throughout the election period and beyond and until events have exhausted their course. The fact that election propaganda is now in progress provides convenient platforms and growing audiences. At most of the 160 political meetings held in the Central Provinces during the first half of October demands were made for the abandonment of action against the I.N.A. Similar demands were made at many meetings in other Provinces. The number of meetings being held all over the country is now increasing.

Other political parties have followed Congress's lead some of them with marked determination and this can be said of the Sikhs and the Hindu Mahasabha. The influence of the Sikhs in the Central Punjab rural recruiting areas is great and daily meetings are being held by them at which demands on behalf of the I.N.A. are voiced. The Hindu Mahasabha lacks the rural influence of the Sikhs but their observance of an I.N.A.Day and their strongly worded appeals have had effect.

The Muslim League is in the forum with others but in the case of this organization there is some reason to believe that as a party it is moved by considerations of expediency. However, the trial of Muslims may make their effect increasingly felt on the Muslim Public and League alike.

Reports recently received have stated that growing enthusiasm is obvious at the meetings held in connexion with I.N.A. Weeks and I.N.A. Days and that this is not only true of the towns but also of the villages. It was recently said about politicians active in their election campaigns that they had to speak of the I.N.A. in appreciative terms to interest their audiences. This was attributed partly to a wave of anti-British feeling which is now being deliberately fostered, partly to a genuine sympathy for the I.N.A. and partly to the fact that Army

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men on leave from Assam and Burma had not troubled enough to make their feelings known. The source from which this information came also mentioned that there was surprise that speakers were being permitted so much licence by Government and that this had been followed by the feeling that tongues could now wag with impunity. That so much can be said without retribution has had a bad effect on those who might otherwise have supported the Government openly but who now feel that silence is their best policy.

One thing seems clear and that is that sympathy for the I.N.A. is not the monopoly of those who are ordinarily against Government. It is equally clear that this particular brand of sympathy cuts across communal barriers. This is explained to some extent by the fact that the thousands in the I.N.A. have many thousand relations who are anxious about their fate. There is, therefore, support for the political bodies who are helping the I.N.A. and a growing general bitterness. In many cases officers of the I.N.A. belong to influential families and this creates much local interest. If the families concerned happen to have traditions of loyalty, which is usually the case, the interest shown is intensified and also the ill-effects that attend it. There is already evidence of some rather surprising approaches being made to Congress for assistance and the fact of ex-judges of the High Courts and gentlemen with titles joining openly in the defence of cases in which wartime treason is the charge is not negligible. In reports received any public appreciation of Government's need to act and punish is hardly ever seen.

So far the campaign in favour of the I.N.A. has not resulted in any overt action against Indian Army men or Europeans. In respect of the former, there has been no hint of social boycott or anything of the kind and it may be that nothing of this character is intended. The appearance of threatening posters, however, does not make the position in respect of Europeans as satisfactory as could be wished. Some respect for anonymous warnings of this character has resulted from experience gained in earlier terrorist movements in India. Recently posters have appeared in Lahore and Calcutta and in the latter place were particularly objectionable. At this stage, however, it is unnecessary to take the matter of the posters too seriously.

Mention has already been made in this note of an opinion expressed that heretofore Army men on leave have not really made their views known with as much force as they could have used. There have been numerous reports from Army sources that Army personnel and particularly returned prisoners of war feel very bitterly about the attitude the country and its politicians have adopted and that their animosity towards the I.N.A. is deep-seated. Intelligence so far received does not show that the influence of returned prisoners of war is making itself felt in rural areas but this may be because reports take time to come in and also because prisoners of war may not have returned in sufficient numbers yet to make their presence felt. In this connexion, however, it

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seems desirable to remember that serving men have also relations in the I.N.A. which may affect them in some degree. At the same time, with 'Blacks' and 'Greys' being enlarged in large numbers they are not going to have the village field all to themselves. Indeed the former will have the advantage in some respects for many of them will remain in their villages permanently and not temporarily as is the case with serving personnel. Meanwhile, there have been one or two newspaper reports of Military clerical staff and men of the R.I.A.F. giving donations to defence funds.

On the whole, the speeches of nationalist leaders on the subject of the I.N.A. give the impression that careful thought has been given to wording and if they have any plans involving I.N.A. men in future they have avoided publicising them which is but prudent. However, it is interesting in this connexion to note that in certain of his speeches in Bombay, Patel has declared that what Government ought to do with the I.N.A. is to make it the nucleus of the new Indian Army, which may be an indication of the lines on which his mind is travelling. At the same time, Nehru, who has publicly referred to I.N.A. men as the soldiers of independence, has been credited with ideas of using I.N.A. personnel as instructors in volunteer bodies. A more definite indication of a move in an unwanted direction is contained in a recent report which alleges that a Sabha is being formed in the north of India with the object of making contact with released I.N.A. officers and men in order to enrol them as members and educate and train them in the expectation that they will be of use to Congress in its day-to-day activities and in the time of emergency. Even if the information is correct it may be that the inspiration to act on these lines is local in character. It is clear, however, that dangerous possibilities exist which merit very careful attention.

In summing up there seems justification for accepting that:—

(1) the public feeling which exists is one of sympathy for the I.N.A. and genuine disapproval of its conduct is lacking,
(2) the measure of sympathy is substantial and is not confined to towns or to any particular community, and that day by day it is being whipped up by the speeches of the nationalist leaders and the writings of the nationalist Press. This is likely to continue and intensify,
(3) in the absence of counter propaganda the nationalist campaign is having matters its own way, and that counter propaganda would be of doubtful value at this stage,
(4) the possibility of the development of the agitation in dangerous directions exists in a degree which demands constant watchfulness, and
(5) the threat to the security of the Indian Army is one which it would be unwise to ignore.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: ff 371–4

IMMEDIATE INDIA OFFICE, *21 November 1945, 5.30 pm*

TOP SECRET

No. 25740. Superintendent Series. I am replying by letter to the grave warning conveyed in the memorandum sent with your letter of the 6th November (No. 125/48)[1] which in accordance with your suggestion I have laid before my colleagues. While agreeing that we must be prepared in the last resort to meet effectively all eventualities we feel strongly that the essential thing is to try to reduce the temperature. With this object immediate step seems to be to endeavour to make personal contact with Indian politicians and remove their suspicions of the genuineness of our aims and convince them of our fixed determination to do all that lies within our power to enable the task of settling the framework of the new constitution to be taken in hand forthwith and pressed forward to a successful conclusion as soon as the elections are over. Discussion of the steps that might be taken now to improve the situation has led us to the following conclusions,

(a) that arrangements should be completed and announced next week for the visit of a Parliamentary delegation to India. We hope that this delegation will help by its personal contacts to bridge the gap between political opinion in India and here, to demonstrate the sympathy of Parliament with Indian aspirations and to assure Indian opinion of the sincerity of British intentions to help India forward with the least avoidable delay on the path of self-government. The arrangements are being dealt with in separate correspondence.[2] You will appreciate that it is of great importance that the delegation should be known to have a free hand and to be unrestricted in its movements and contacts by any official control.

(b) that you should be asked to invite Gandhi to see you in the hope that you may be able to persuade him to co-operate with H.M.G. in advancing toward a solution of the constitutional issues after the election and in the meanwhile to exercise a restraining influence on the Congress leaders who are visibly tending towards a policy of violence. I do not know whether in fact his health would permit of the interview taking place; if it does, you will no doubt consider it essential that, to avoid your own position being weakened, the interview should be arranged very soon while the situation is still under control. In view of the great influence which Gandhi still retains I feel that there would be positive

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advantages in such a move and I hope you will agree to propose the interview.

(c) that as a further step in promoting personal contacts an invitation should be given to Nehru and Jinnah to visit London in the near future for the purpose of a general exchange of views with H.M.'s Ministers. Whether they would accept is another matter, but if they did it is felt that the opportunity of personal conversations with members of the Cabinet and of Parliament would go a long way to remove the sense of distrust of H.M.G.'s intentions and at the same time give both leaders an opportunity to expound their aims in responsible quarters here. I shall welcome your views on this proposal. In particular should they be approached privately before the invitation is publicly given? It is hoped that if the limited purpose of the visit is made clear it would be possible without embarrassment to avoid acceptance of demands from leaders of other parties or from the States for facilities for a similar visit to London though if the latter were proposed it could be considered on its merits.

(d) finally, that advantage should be taken of the announcement of the visit of the Parliamentary delegation to emphasise in a restatement of H.M.G.'s policy the fixity of their determination to press on with the assembling of the constitution making body as soon as the elections are over. Such a statement would also include a declaration of H.M.G.'s attitude to the possible threat of disorder in India for which you pressed in your memorandum. I am now considering the lines of this statement and will consult you in regard to it as soon as possible.

[1] No. 194.

[2] In tel. 595 of 20 November, Mr Turnbull sent Mr Abell the text of a message from Sir Howard d'Egville to Sir Manekji Dadabhoy saying that if the Indian Branch of the Empire Parliamentary Association wished to invite the proposed parliamentary delegation, he would be grateful for the earliest possible cable. In tel. 594 of the same date, Mr Turnbull explained to Mr Abell that the Secretary of State considered the invitation most important and hoped that Lord Wavell would do all he could to secure it if any difficulty arose. L/PO/6/102c: ff 425–8.

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Note of Meeting

L/E/8/4869: ff 77–8

Undated

United Kingdom High Commissioner in India

A meeting was held at the India Office on the 21st November between the Secretary of State for India and the President of the Board of Trade to discuss the question under which office the proposed United Kingdom High

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Commissioner in India should be placed. There were also present the Parliamentary Under Secretary of State for India, Sir J. H. Woods and Mr. J. R. C. Helmore (Board of Trade), Sir J. Stephenson (Dominions Office) and Sir D. Monteath, Mr. G. H. Baxter and Mr. J. P. Gibson (India Office).

Lord Pethick-Lawrence said that he felt doubtful of the appropriateness of placing the new High Commissioner under the Department of Overseas Trade, as had been suggested by the India and Burma Committee.[1] As he understood it, the intention was to entrust to the High Commissioner a wider scope of duties than that of the present Trade Commissioner and to give him a status corresponding to that of the United Kingdom High Commissioners in the Dominions or of a diplomatic representative. That seemed to him hardly compatible with placing the High Commissioner under the Board of Trade.

Sir Stafford Cripps said it was essential to observe the distinction between the functions of the Viceroy and those of the High Commissioner. To deal with the High Commissioner and the Viceroy through the same channel would tend to emphasise their similarity rather than their difference, and would be embarrassing to the Government here. It was essential that the High Commissioner should not be looked on as a political representative as he would be if under the India Office; such an arrangement would also tend to make his relations with the Viceroy more difficult.

Lord Pethick-Lawrence referred to the variety of matters with which the High Commissioner would be entrusted—supervision of the Trade Commissioner, protection of the rights of British subjects, commercial discrimination, sterling balances, tariffs, insurance, etc. etc. Much of this range of functions was already handled in the India Office: if these matters were taken out of the India Office it would not be possible to transfer the staff to deal with them.

Sir D. Monteath said that the views expressed by Sir S. Cripps were correct in regard to the former relationship between the Secretary of State and the Viceroy: but the situation had changed and the Secretary of State was increasingly in the position of being in charge of His Majesty's Government's relations with India.

Sir S. Cripps said that this did not prevent difficulties in getting His Majesty's Government's point of view across to the Indian Government. That would be the function of the new High Commissioner. It would not be inappropriate, indeed it is to be expected, that on some matters instructions should be given to the High Commissioner at variance with those given by the Secretary of State to the Viceroy. Such a possibility makes it impracticable that instructions should be sent both to the Viceroy and to the High Commissioner through the same channel. Divergence of opinion at this end might well exist between the India Office, acting in India's interests, and other offices defending the interests of the United Kingdom: the conflict, if it could not be settled at Departmental level, would have to be resolved by the Cabinet.

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Mr. Baxter suggested the hypothetical case of the sterling balances existing in Australia instead of India; would it not be the double function of the Dominions Office on the one hand to point out the disastrous effect in Australia of repudiation of His Majesty's Government's obligations and on the other to convey instructions to the High Commissioner?

Sir S. Cripps pointed out that the case was distinguishable from that now under consideration: the India Office issued instructions to the Viceroy, whereas the Dominions Office did not issue instructions to the Governor-General of a Dominion.

Mr. Helmore suggested that the India Office might at times be disposed to introduce a shade of difference into instructions which the Board of Trade wished to have sent to the Government of India, but Mr. Baxter pointed out that this would be done only after discussion and agreement with the Board of Trade on an amended draft.

Sir S. Cripps drew attention to the position of Sir A. Overton who as Head of the United Kingdom Middle East Office was in receipt of instructions on a variety of subjects dealt with by different Departments in this country. These instructions passed to Sir A. Overton through the Channel of the Cabinet Office, and this appeared to Sir S. Cripps to offer the best provisional solution for the problem of the United Kingdom High Commissioner in India until such time as it would be appropriate for him to be placed under the Dominions Office. There would be no need for any transfer of staff from the India Office or for the creation of a special department. The instructions for the High Commissioner would be formulated by a committee under the aegis of the Cabinet Office, the Cabinet secretariat allocating one official for the secretarial work of the Committee. The departments principally concerned, e.g. the India Office, the Board of Trade, the Treasury, would be permanently represented on the Committee and others would send representatives according to the subject under consideration. The function of the India Office representative would primarily be to supply the kind of information which the Dominions Office now supply in regard to questions which arise in relation to the Dominions, in other words to advise in the light of conditions in India. Questions raised in Parliament regarding the High Commissioner might either be answered by the Department concerned with the particular subject of the question (as was done at present with questions of a specific nature relating to the functions of a British High Commissioner in a Dominion) or, if the question dealt with general issues, it could be answered by the Prime Minister or the Chancellor of the Exchequer.

After further discussion Lord Pethick-Lawrence, with the assent of Sir D. Monteath, said that he was prepared to accept this solution.

Sir J. Stephenson emphasised that the plan was essentially an interim one

[1] See No. 168, Minute 3.

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which would have to be altered if at a later date India should become a completely free agent. It was agreed that this should be made clear in any announcement that might be made.

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Lord Pethick-Lawrence to Mr Attlee

L/PO/6/113: ff 44–5

SECRET INDIA OFFICE, *22 November 1945*

Secretary of State's Minute: Serial No. 26/45

Prime Minister,

I attach the draft of the statement[1] which I have prepared in accordance with the conclusions of the India and Burma Committee[2] to make in the House of Lords. I should propose to give it in reply to a private notice question. It could also be given in the House of Commons as a statement after Questions.

2. Will you let me have your views on it? I hope it will be possible to make it next week, but it may be that the invitation from the Indian Empire Parliamentary Association, which is necessary before the statement can be made, will not be received in time. I have undertaken to consult Wavell in regard to the text.

3. I have received a further letter from Wavell emphasising the gravity of the situation.[3] This was brought home by the hand of Sir Evan Jenkins, who has been Wavell's Private Secretary since he took office, and is now on leave preparatory to becoming Governor of the Punjab. Wavell had charged Jenkins to expound the situation to me orally and I have seen him at length. I think it would be worth your while, if you can spare the time, to see Jenkins in the next few days. He is generally recognised as the outstanding member of the I.C.S. of his generation, is fully in Wavell's confidence and fresh from contact with the whole situation. Wavell is anxious that you should hear what he has to say. I found him very lucid and to the point.[4]

4. I should like to have an India Committee next week. I have already circulated a paper[5] containing the Commander-in-Chief's appreciation of the effect of the policy regarding the I.N.A. and the Indian Army, and I shall be putting in shortly a paper about the disposal of Ba Maw and U Saw on which I now have the Governor's views.

P–L.

[1] This draft is not printed. It would appear from L/PO/6/113 and R/30/1/6: f 99 that the draft statement was discussed at a meeting between Lord Pethick-Lawrence and Mr Attlee on 23 November at which the latter suggested a redraft along the lines of the draft given in Enclosure to No. 234.

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[2] No. 217, Minute 1. [3] No. 213.

[4] In a letter dated 19 April 1974 Sir Evan Jenkins informed the Editors that on his arrival home he saw both Lord Pethick-Lawrence and Mr Bevin and that shortly afterwards—probably 25 November—he was invited by Mr Attlee to lunch at Chequers where the Prime Minister, Lord Jowitt and Mr Herbert Morrison heard his account of the Indian situation.

[5] No. 207.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/P&J/8/532: f 2

No. 592/14 THE VICEROY'S HOUSE, NEW DELHI, *22 November 1945*

My dear Pethick-Lawrence,

Thank you for your letter of the 9th November[1] about the proposed Parliamentary question and answer to make it clear that the right of a Province not to enter the Indian Union would not be exercised by the vote of a single community.

2. Since I made the proposal there have been some developments. Khizr Hyat Khan, the Premier of the Punjab, has said (though I suspect with his tongue in his cheek) that Muslim Unionists are in favour of Pakistan: but he has added that his party are in favour of the Province being administered by a coalition of the various communities as at present. Jinnah has made it clear that the Pakistan he has in mind is composed of the Muslim majority Provinces and Assam with their present boundaries and has made no reference to a plebiscite. Nehru and Patel have stated the Congress objections, and now that the Congress position has been made clear by them, the Sikhs, who may have feared that the Congress would give way on the point of the plebiscite, do not seem to be unduly perturbed. In these circumstances one main argument in favour of the question and answer is less pressing than it was, and I admit there is considerable force in the objections which you raise. I agree therefore that we should let the proposal drop.

Yours sincerely,

WAVELL

[1] No. 202.

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Cabinet Paper C.P. (45) 296

L/PO/6/113: ff 49–51

The Indian Situation

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *22 November 1945*

The memorandum on the Indian situation which I submitted to the Cabinet on the 14th November (C.P. (45) 281)[1] was considered by the India and Burma Committee on the 19th November[2] and at their request I present this record of the Committee's decisions for the information of the Cabinet.

2. Before dealing with the memorandum the Committee discussed the steps which might be taken to relieve the present growing tension in India and dispel the widespread distrust of the intentions of His Majesty's Government. It was decided:—

(i) That arrangements should be completed at once to send out a strong and representative Parliamentary delegation under the auspices of the Empire Parliamentary Association which would serve to demonstrate the sympathy of Parliament with Indian aspirations and the sincerity of British intentions in the matter of India's constitutional advance. The delegation would spend the Christmas vacation in India and would be free, in their movements and their contacts with Indians, from any control by the Viceroy or Governors. The members on their return would have opportunity to make their views and impressions known to Parliament, either in the course of a debate or in private meeting.

(ii) That the Viceroy should be asked to invite Mr. Gandhi to see him as early as possible and before any disorders occurred, in the hope that Mr. Gandhi, who was pledged to a policy of non-violence, might be persuaded to exercise a moderating influence on the Congress leaders.

(iii) That Mr. Nehru and Mr. Jinnah should be invited to pay an early visit to London in order that personal conversations with H.M.'s Ministers may convince them of the reality of His Majesty's Government's intentions and at the same time afford them opportunity to explain fully to His Majesty's Government the aims of Congress and the Moslem League.

(iv) That the announcement of the proposal to send out a Parliamentary delegation should be made in a week's time and be the occasion of a full restatement of the policy of His Majesty's Government towards India.

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3. I am pressing forward with the arrangements for a Parliamentary delegation, and in regard to (ii) and (iii) above I am communicating with the Viceroy.

4. On the specific suggestions made in my memorandum the Committee agreed as follows—

(a) That I should assure the Viceroy that he was justified in his assumption that there would be no question of the acceptance of a Congress ultimatum, though I should remind him that Congress after the elections would in all probability be the majority party and it would not be possible to treat them as an irresponsible party claiming power.

(b) That whatever justification there might be for taking immediate action against Congress or the Congress leaders it would be disastrous for such action to be taken now unless it were necessitated by the outbreak of disorder.

(c) That while an immediate declaration of His Majesty's Government's attitude towards the growing threat of violence was not necessary, such a declaration would have to be made sooner or later and should be made as part of a more general statement of policy. The occasion of the announcement regarding the Parliamentary delegation would offer a suitable opportunity for the purpose. The declaration should be framed in terms which would not provoke an immediate outbreak of violence.

(d) That the views of the Chiefs of Staff should be awaited in regard to the availability of troops for use in the suppression of disorder if required.

(e) That the Viceroy should be assured that in the last resort he can rely on the support of His Majesty's Government for firm action subject to it being understood that the Cabinet would be kept continuously in close touch with the situation and that no action would be taken against the major parties or their leaders except with the express approval of His Majesty's Government.

5. I append a telegram[3] which I have already sent to the Viceroy and am informing him further by letter in accordance with the Committee's conclusions.

P.-L.

[1] No. 210. [2] No. 217. Minute 1. [3] No. 223.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/8/525: f 358

IMMEDIATE — NEW DELHI, *23 November 1945, 5.55 pm*
TOP SECRET — *Received: 23 November, 2.10 pm*

2041–S. Superintendent Series.

Your 25740.[1] My views on points raised are as follows:—

(a) I am doing my best to hasten the invitation to a parliamentary delegation, which will certainly be valuable, possibly more at your end than at mine. Delegation will of course be free from official control.

(b) I do not think it advisable that I should invite Gandhi to see me. I do not think it will do any good and may do some harm. His last letter[2] to my Private Secretary, of which I sent you a copy, did not show him as likely to be a restraining influence. Invitation would certainly be used for Congress propaganda and to make demands, and would arouse suspicions of Moslems and minorities.

(c) I also do not recommend an invitation to (? Nehru) and Jinnah to visit London. I am sure they would not accept but they would make political capital and propaganda out of their refusal. The invitation would arouse suspicion among minorities who would also claim to visit London. Nehru is not official leader of Congress, who might well point this out. I think suspicion would be aroused that this was merely a trick by H.M.G. to get them away from electioneering campaign.

(d) I agree that announcement of visits of parliamentary delegation should be accompanied by statement of H.M.G.'s policy, but emphasis should be on firm attitude towards disorder and protection of Government servants. I note that you will consult me as soon as possible on terms of statement.

[1] No. 223. [2] No. 209.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/10/18: f 237

IMMEDIATE — *23 November 1945*
PRIVATE

No. 2050–S. Parliamentary delegation. I find that constitution of India's branch of Empire Parliamentary Association is such that no one from the Assembly is now a member since Assembly is no longer in being. It might be possible

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to secure quorum for the Executive Committee out of members of Council of State. But total number available in all India is only 7 and quorum of 5 is required. Invitation from such a body even if it could be convened would be of little value and I suggest you go ahead with plans to send out delegation of M.P.s officially at H.M.G.'s expense. If you agree please let me know at once and I will inform (? Prime Minister) [? Dadabhoy].

2. I think deputation would probably be welcomed by political leaders in India and that lack of invitation from India's branch would not matter.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: f 342

MOST IMMEDIATE INDIA OFFICE, *23 November 1945, 6.40 pm*
TOP SECRET

25981. Superintendent Series. My telegram 25740[1] paragraph (d). My next succeeding telegram contains draft of statement[2] there referred to. It would be made in House of Lords by myself and also in Commons on same day.

2. Text is a draft only and will have to be considered by my colleagues early next week. If you have any comments please telegraph to reach me by Tuesday morning and if possible by 6 p.m. G.M.T. Monday.

[1] No. 223.

[2] The text of the draft sent in this tel. (25982 of 23 November) was the same as the draft given in Enclosure to No. 234 except that the fourth sentence of the fourth para. read: 'I am happy therefore to be able to announce that the Empire Parliamentary Association in this country has received and accepted an invitation from the Indian branch of the Association to send a small Parliamentary delegation to India.' L/P&J/8/525: f 343–5.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *23 November 1945*
Received: 29 November

I have your private letters of the 13th November and the 16th November[1] to answer. The second was brought by Jenkins and arrived only one day after the first.

[1] Nos. 208 and 213.

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2. I had a very full talk with Jenkins on the day he arrived. He gave me an able survey of the situation and filled in the picture which you had already presented in your own letters and in your memorandum[2] for the Cabinet. It is certainly a grave and depressing outlook and what disturbs me most I think is what you say about the morale of the Services in paragraph 3 of your letter of the 13th November, and paragraph 2 of your letter of the 16th, and in your memorandum. Nehru's speech which you enclose is certainly by far the worst I have so far seen.

3. I do not gather that the Muslim leaders are making a very impressive showing in this situation. It looks as if their followers would be seriously divided in the Provinces where they have a majority. If so it seems to me that that will greatly weaken Jinnah's hand in the conversations after the elections because it will throw great doubt on the likelihood of any plebiscite not confined to Muslim voters voting for separation.

4. I have had discussions with my colleagues about your memorandum and I have telegraphed[3] to you already in part reply. I hope to send you a full reply by letter[4] by this bag or the next. I need not therefore say more about it in this letter.

5. I should greatly appreciate it if you could let me have very soon your ideas as to what more can be done both now and after the elections in an endeavour to avert the kind of situation you see coming upon us. It seems to me that there is in fact unlikely to be agreement after the elections as to the nature of the constituent body and its procedure, and I do not see much prospect of an interim all-parties Government being formed without some agreement on those topics. Have you any suggestions as to what we should do in those circumstances? That seems to me to be the moment at which the dangers you envisage are most likely to break upon us and for which the Congress are preparing. If our attitude is a negative one our ability to meet it will, I think, be much less. Do we not require to consider closely now the alternatives which will be available at that point so that we have them clearly before us and can select our course rapidly in the light of the precise circumstances at the time?

6. You ask in paragraph 9 of your letter of the 13th November what the position is about the United Kingdom High Commissioner. I brought up the memorandum, the text of which I showed to you, for discussion[5] before the Prime Minister went to the United States. There was a good deal of difference of view on the question under what Minister the High Commissioner should function. The practical arguments for placing him directly under the India Office are very strong, but some of my colleagues felt that the proposal would lose much of its political value if the High Commissioner appeared in

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India only as another agent of Government from Whitehall, which the Secretary of State personifies in their minds. They therefore favoured putting the High Commissioner under another Ministry. Since then I have been exploring some alternative possibilities which may resolve the difficulty and secure general agreement.[6] I hope to be able to let you know something about this before long.

7. Since receiving your private telegram No. 1928–S[7] of the 4th November, I have seen Brailsford and discussed the question of his visiting India, together with his wife for whom he put in a special plea on the grounds both of his age and health and also of her secretarial assistance upon which he relies to a very great extent. I fully appreciate your reasons for apprehension in view of his earlier writings about India. I know Brailsford very well and I have talked to him at length about the difficulties of the present situation. I shall be very surprised if in view of my relations with him, he does anything seriously embarrassing while I think he may exert a helpful and moderating influence here on his return. I have therefore come to the conclusion that he should be allowed to come out. In view of the difficulties of the passage situation I was reluctant to agree to his wife coming with him. He is, however, over 70 and I do not think that he would have attempted the journey alone. In all the circumstances I felt it justifiable to stretch a point.

[Para. 8, on passages for Mrs Pointon and Mrs Martyn; and para. 9, on the decision to transfer Ordnance Factories at Ishapore and Cossipore to Cawnpore, omitted.]

10. I was interested to have the information given in paragraph 4 of your letter of the 5th November,[8] about the conclusions reached by the Committee on Frontier problems, and the views of the Commander-in-Chief, Cunningham and Caroe on them. This subject is, I gather, one with far-reaching implications, both military and political, and I realise its great importance. I should not of course wish to take part in the consideration of it until the discussions in India are fully ripe, but I should certainly wish to consider the whole question before the Government of India are finally committed to any new policy in this area.

[Para. 11, on a talk between Lord Pethick-Lawrence and Mr Rallia Ram, omitted.]

12. I have seen Herbert's letter of 22nd[9] to Clauson and its enclosures reporting recent interviews which Chhatari has had with your Political Adviser and yourself at which he mentioned Hyderabad's desire to secure an outlet to the sea and for this purpose to acquire the port of Goa from Portugal and that the State was anxious to obtain His Majesty's Government's support for

[2] No. 194. [3] No. 223. [4] No. 232. [5] No. 168, Minute 3. [6] See No. 224.
[7] See No. 190, note 7. [8] No. 190. [9] No. 158.

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this approach. I note that Chhatari received no encouragement in this project. Hyderabad's démarche seems to have had some rather wide implications in relation to the constitutional question and I think I ought to bring the matter to the notice of my colleagues. Before I do so I should be glad to know if you have any further comment on Hyderabad's general attitude. I have heard indirectly that Chhatari has taken a good deal to heart the discouraging reception of his proposal.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/P&J/8/525: ff 359–62

TOP SECRET INDIA OFFICE, *23 November 1945*

My dear Wavell,

I have already sent to you a telegram No. 25740[1] dated 21st November in part answer to your letter of the 6th November[2] with which you enclosed a memorandum which you desired me to bring before my colleagues. I circulated[3] your memorandum and also your letter of the 4th November[4] and your note of your interview with Nehru on the 3rd November.[5] I have discussed these with my colleagues[6] and the telegram which I have sent to you was the first outcome of our consideration of it. Since then I have received in addition, your letter of 16th November,[7] which Jenkins brought with him, and I have had a long conversation with Jenkins in which he fully expounded the situation to me. I am now replying in greater detail to your letter of the 6th November.

2. I must confess that your letters have only expressed in more sombre form thoughts which were already passing through my mind as a result of reading the reports of the speeches of Nehru and other Congress leaders. You may rest assured that while I do not take all Nehru's speeches at their face value and recognise that much may be set down to the ebullience of electioneering and to the fact that it is only a few months since he was released from detention, I certainly do not take your warning lightly.

3. In the first place you advance the possibility that the Congress, probably next Spring but quite possibly earlier, may put forward a demand, the precise character of which we cannot tell, but the general outline of which can be clearly envisaged, failing the acceptance of which they would make a serious attempt to subvert by force the present administration in India. You assume that there will be no question of the acceptance of such an ultimatum and say that if the situation envisaged arises there will be no choice between this and using all our resources to suppress the movement to enforce acceptance upon us.

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His Majesty's Government are quite prepared to give you the assurance that in such circumstances there would be no question of acceptance of a Congress ultimatum. They wish me to add, however, that after the elections Congress will in all probability be the majority party, and it would not then be possible to treat them as an irresponsible party claiming power.

4. His Majesty's Government also fully share your views as to the undesirability of resorting to immediate action against the Congress party. To do so would certainly put us in the wrong in the eyes of world opinion. It would be regarded in India as a breach of faith. It would put an end to all possibility of orderly progress in the political sphere for a long time, possibly for a generation. This would in our view constitute a disaster of the first magnitude.

5. Holding this view I and my colleagues turned our attention to what can be done immediately to relieve the growing tension and reduce the rising temperature. One of the great embarrassments of our present position in India is that no effective means of rebutting criticism or answering public speeches is available. Except on rare occasions it is not possible for you to address the Indian public without being drawn into undesirable disputation. There is great difficulty, in consequence, in securing that the point of view of the Government of India and His Majesty's Government is expounded effectively to the Indian public, and the attacks which are being made on the action we have been compelled to take in the Dutch East Indies, and the policy adopted in regard to the trials of leaders of the Indian National Army for that reason go unanswered. We feel, therefore, that there is great need for the renewal of personal contacts between Indian leaders and responsible persons from this country by means of which our attitude in such matters can be conveyed to them.

6. From this point of view we considered that the despatch of a strong delegation of Members of Parliament, which has already been under discussion between us, would be most helpful. We further felt that it might be desirable for you to see Gandhi and for Nehru and Jinnah to be invited to come to this country for a general discussion. These suggestions have been advanced in my telegram No. 25740 dated 21st November to which I have already referred, and will no doubt have been further discussed by telegram by the time that this letter reaches you.

7. With regard to your recommendation in paragraph 13 of your memorandum that an early statement should be made by His Majesty's Government in the sense proposed in that paragraph, it was decided that I should make a statement in the House of Lords and that a similar statement should be made simultaneously in the House of Commons. We felt that this statement should

[1] No. 223. [2] No. 194. [3] No. 210. [4] No. 188. [5] Enclosure to No. 188.
[6] No. 217. [7] No. 213.

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deal constructively with various matters but should unmistakably include the warning which you wished should be given.

8. As regards the provision of resources to enable you to deal with the serious situation which you envisage may arise, the views of the Chiefs of Staff have been invited as to the availability of troops for use in the suppression of disorder, if they should be required for that purpose.

9. Finally I am authorised to convey to you the assurance for which you ask that in the last resort you can rely on the support of His Majesty's Government for further action as stated in paragraph 3 above, on the understanding that His Majesty's Government will be kept continuously in close touch with the situation and that no action would be taken against the major parties or their leaders except with the express approval of His Majesty's Government.

PETHICK-LAWRENCE

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General Auchinleck to Field Marshal Viscount Wavell

Wavell Papers. Official Correspondence: India, January–December 1945, pp. 374–8

TOP SECRET AND PERSONAL NEW DELHI, *24 November 1945*

D.–O. No. 80/V–1/II/56

My dear Lord Wavell,

I have been discussing further the question of the I.N.A. trials as a result of meetings held between the Home Department and certain representatives of Provincial Governments.[1]

2. The representatives of Provinces expressed considerable uneasiness about the political situation which might result from a continuance of the present agitation. They felt that a decision to execute any of the accused in the present trials might result in unrest on a scale more serious than in 1921 and 1942. The Punjab, who were the spokesmen in this matter, and who are of course the Province most deeply affected, suggested at first that while the present trials should be carried through, it should be decided now that there should be no further trials, except for murder and atrocities, and that any sentences of death which are passed by the Court should be commuted. The charges of waging war against the King-Emperor should be dropped in future trials. They attach great importance to a clear restatement of policy and publication of the names of those to be tried. I attach a paper which gives in convenient form the views expressed by the Punjab representative.

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3. After discussion with certain officers here, the Provincial representatives agreed that the charge of waging war against the King-Emperor could not be dropped. They recognised that to do this would amount to almost complete condonation of disloyalty. There is also the legal argument that in many cases the charges of brutality and murder would not stand unless that of waging war was also proved. They continued however to think that the trials should be limited to those involving brutality and murder of such a nature that it could not be defended as an act committed in good faith by a combatant.

4. At present the categories to be brought to trial are:—

(*a*) Any person actively instrumental in causing the death of any British or Allied subject, whether in or out of battle.
(*b*) Any person responsible for the brutal treatment of any British or Allied subject.
(*c*) Any person taking a responsible part in the capture and handing over to the enemy of any British or Allied subject.
(*d*) Officers, V.C.Os, and I.O.Rs. who became officers in the I.N.A. and 950 Regiment and took a leading part against us.
(*e*) Fujiwara volunteers.

I have discussed the whole question with my civil and military advisers whose views differ widely. One point of view is that no further trials should take place except in cases of brutality which cannot be defended by the practices and laws of any civilised people. Those who hold this view would convene no further trials for offences which would be legally defensible had they been committed by members of the army of a belligerent. In other words, they would exclude persons who killed British or Allied troops in battle, who handed over British or Allied escaped prisoners of war to the Japanese, and those who ordered or carried out what purported to be legal sentences of death in the field. They would, however, still couple with the charge of brutality that of waging war against the King-Emperor, in order to establish the principle that this should not be condoned.

5. The grounds urged by them in support of these views are: Firstly, the present I.N.A. trials are agitating all sections of Indian public opinion deeply and have also provided the Congress with an excellent election cry. The agitation in the country is likely to increase if there are further trials of the type of present trials. Limitation of trials to the categories proposed is likely to allay public excitement and create a better feeling in the country. There can be no legitimate criticism against trials of persons accused of brutal acts which cannot be justified or defended under colour of any law.

[1] The meetings were apparently held in New Delhi on 19 and 20 November 1945.

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Secondly, the proposed course of action is unlikely to undermine the stability or the reliability of the Indian Armed Forces. The principle that treason cannot be condoned will have been vindicated by the continuance of the present trials and the addition of the charge of waging war in the further trials proposed. With the existing Armed Forces recruited from all parts and all classes of India and modern means of communications and the growth of nationalist feeling in the country, it is quite impossible to isolate the Armed Forces from the rest of the country. There is evidence to show that there is no general resentment in the Indian Army against the I.N.A. There are reasons to believe that Indian officers of the three Services would, generally speaking, approve the proposed limitation of trials. Trial for tortures committed on Indian prisoners of war in order to force them to join the I.N.A. would satisfy the prisoners of war and their relations. The Indian Armed Forces would also no doubt realise that none except the "whites" would be retained in the Indian Army. On the other hand, further trials of the type now proceeding is likely to create more sympathy for the I.N.A. than is the case at present and "greys" and "blacks" on release would tend to be regarded, to an increasing extent, as martyrs and would be exploited by the Congress and other political parties.

Thirdly, they do not believe that there is much in the argument that the proposed policy would amount to greater condonation of treason than the present policy, for under the latter, it is proposed to prosecute no more than 75 out of about 17,500 "blacks" and "greys" who are under the law guilty of waging war against the King.

6. Others of my advisers feel that this would amount to recognising the belligerent status of the I.N.A. and accepting the view that a soldier may change his allegiance because of his political views, or because he can secure better conditions by so doing. They argue that the inclusion of the charge of waging war in cases of brutality would be no more than a gesture; and in fact by limiting future trials to this small category, we should have admitted that a mistake had been made in bringing to trial the first three officers, in whose cases (with one doubtful exception) it could be argued that the acts with which they are charged were committed in execution of what the accused believed to be their duty, once the premise is granted that they genuinely considered they were justified in joining the I.N.A. and that it was a belligerent army. Those who hold this view feel that to exclude the trial of those coming in categories (*a*), (*c*), (*d*), and (*e*) above would undermine the discipline of the Indian Army. They point out that there were some officers of the Indian Army who went over at once to the enemy and who were instrumental in making large numbers of their men follow their lead. One example is an officer who had been placed in command of a particular unit two or three days before the surrender, and who shortly afterwards ordered

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the unit to join the I.N.A. The loyal men of this regiment are very bitter against this officer; and it is pointed out that those who followed him have forfeited their pay, or part of it, and have been dismissed or discharged from the Army because they obeyed his orders. It is contended that it would be contrary to all our ideas of justice if he were punished no more severely than they. They would not therefore make any change in the present policy.

7. Between these two points of view there is another. It is suggested that we should decide now that although the confirmation of every sentence must be considered on its merits, it should be taken as a general principle that the death sentence would be commuted in cases in which it could be argued that the accused had been carrying out what he thought to be his duty. As a general rule, however, the death sentence would not be commuted in cases of brutality, which could be excused on no such grounds. On the conclusion of the first trial, the sentence would probably be commuted to one of a short period of imprisonment. My decision would be published with a brief statement to the effect that the trials had been held to vindicate the legal principle, but that since it had been decided that the accused were endeavouring to carry out what they conceived mistakenly to be their duty, it had been decided to reduce the sentence. It would be indicated at the same time that this principle would be followed in any future trials in which the same considerations seemed to prevail. It is argued that this course would take much of the sting from the Nationalist attack, since it would become clear that the sentence of death would be carried out only in cases of brutality, which it is believed that no one will wish to defend. There will be nothing in this course inconsistent in any way with our previous utterances.

8. After very careful consideration I feel that the first course is the wisest. The arguments in its favour have been stated above, and I am left with no doubt that from the point of view of public opinion in general it would be the most satisfactory. From the point of view of the Army, there is undoubtedly a risk; but I believe it should be taken. The evidence reaching us now increasingly goes to show that the general opinion in the Army (as opposed to that of certain units and individuals who have particular reasons for bitterness) is in favour of leniency. If you agree that this first course should be adopted, we would limit future trials to cases of brutality; and in the case of the present trials, the sentences would be commuted if it was clear from the evidence when the trials are concluded that the accused were carrying out what they believed to be their duty. I have considered whether in that case the sentence should be commuted to one of imprisonment; but on the whole I believe that this would forfeit some of the advantages of the policy and there would be little to be gained by it. If the sentence is to be commuted, it can only be on the grounds that the men acted in good faith: and in that case it would be illogical

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to imprison them. There would further be the danger that if imprisoned, they would be released on a new Government coming into power and there might then be a temptation to reinstate them in the Army. If they are released now, I consider this would be most unlikely.

9. I enclose for reference a copy of the statement we put out on the 27th August.[2] It will be seen that the only point in the present policy which differs from that then announced is that we did say that we would proceed against "leaders who appeared consciously to have embraced the Japanese or German cause". It is true that at the time we meant by that to include people who would now be discharged; but it seems to me that we are unlikely to be taunted with leaving out these people, and if we are, it does not very much matter.

10. I attach a draft Press Communiqué which sets out the first view. It has been argued that this does not make it clear that the policy has been changed and that therefore it may attract little attention; but I think that while to the general reader this Communiqué will not give the impression of a change of policy, it will be read carefully by the leaders, to whom also the implications will be pointed out unofficially, and that the latter, who have already shown signs of feeling that they have gone too far, will be glad to meet us on this and reduce the agitation. It is unfortunate that it is not possible to publish the names of those who will be tried, because the investigations are not yet complete. We have, however, gone as far as is possible in this direction at present.

11. I should therefore be glad to know whether Your Excellency approves of my taking this line. If so, it will be necessary to inform the Secretary of State of what we are doing, since there has been a considerable modification of our views since we first told him that we should be proceeding to try by Court Martial some 600 people.

12. The Home Department were of course represented in the discussions with Provincial Governments, but the Hon'ble the Home Member has not yet had an opportunity of discussing with me the policy I now suggest, nor has he seen the Press Communiqué.

Yours sincerely,
C. J. AUCHINLECK

Enclosure 1 to No. 233

DRAFT PRESS COMMUNIQUÉ

[*This draft communiqué is not printed. For the communiqué as issued see No. 258.*]

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Enclosure 2 to No. 233

PUNJAB GOVERNMENT

His Excellency (the Governor of the Punjab) discussed this case on 15th November 1945 with C.S. and D.I.G. and decided that the following proposals should be made at the conference at Delhi:—

1. The trials of Shah Nawaz, Sehgal and Dhillon cannot be stopped now as this would betray weakness and a lack of courage, which Congress would immediately exploit and which would make successful Government impossible.

2. The crux of the matter is whether Government intend to stand firm in the event of the death sentences being imposed. If Government intend to carry out the death sentences, they must be prepared to face unparalleled agitation, more widespread than in 1919 and 1942, and to use ruthless force to suppress it. Another "fast unto death" by Gandhi as a protest must also be taken into consideration. The agitation which would follow the execution of these three men and the force which would have to be used to suppress it would prejudice any hope of a settlement with India.

3. In these circumstances, the only practical solution would appear to be to carry on the trials and for the Commander-in-Chief to commute the death sentences if imposed. Their commutation should be announced simultaneously with the announcement of the death sentences themselves. There should be no time-lag in which to work up violent agitation.

4. Future trials should be confined to charges of murder and atrocities. Charges of treason and waging war against the King should be dropped. Publicity should be given to this decision now.

5. Publicity should also be given to the decision to treat the I.N.A. leniently. The small numbers to be tried should be compared with the large numbers to be released, and the specific charges on which members of the I.N.A. are to be tried should be stated. The actual numbers of officers and men to be tried should be given.

6. Every attempt should be made to get Britain and America to give publicity to the trials, to feature the atrocities committed by the I.N.A. on their own countrymen, and to publicise the leniency and generosity shown by Government towards the I.N.A. in spite of the fact that its members broke their oath of allegiance and waged war against Allied arms. Publicity should also be given in India, and if possible in the U.S.A., to the courage and steadfastness of those who refused to join the I.N.A., sometimes at the cost of their

[2] No. 17, para. 6 as amended by Nos. 48 and 60.

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lives. Such men should be given special treatment. Those who wish to stay in the Army should be encouraged to do so, as they may form a valuable hard core of loyalty.

7. Every effort should be made to speed up the trials as delay will aggravate the internal situation seriously. There is very little hope that the public will attach much importance to the prosecution story or be impressed by the charges of murder and brutal conduct. The I.N.A. are popular heroes, and the treason charge will only increase their popularity. Popular feeling in favour of the I.N.A. is now blinded by racial, political and sentimental feelings. The defence will concentrate entirely on the "patriotism" of Bose and the I.N.A., and will draw freely on sentiment and racial feeling. The press will follow its lead. Already its tone is worse than it has ever been before. The result will be that a thoroughly dangerous and explosive situation will be worked up.

8. Seeing that some 20,000 or more members of the I.N.A. are to be released unconditionally, the execution of a mere handful would not have any effect on maintaining discipline in the Army. Where the Army is not ignorant of or apathetic towards the I.N.A., it is generally sympathetic towards it. There is no active resentment against it, except among the few who suffered at its hands.

(Sd.),—17-11-45,
C.M.

List of names of those who have so far been selected for trial by Court-Martial.

1. Captain Shah Nawaz, 1/14, Punjab Regiment.
   Captain P. K. Sehgal, 2/10, Baluch Regiment.
   Lieut. Gurbaksh Singh Dhillon, 1/14, Punjab Regiment.
2. Captain Burhan-ud-Din, 2/10, Baluch Regiment.
3. Subedar Shingara Singh, 5/14, Punjab Regiment.
   Jemadar Fateh Khan, 5/14, Punjab Regiment.
4. Captain Abdul Rashid, 1/14, Punjab Regiment.

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Cabinet Paper C.P. (45) 301

L/PO/6/113: f 37

INDIAN SITUATION

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *24 November 1945*

1. In my Memorandum C.P. (45) 296[1] of the 22nd November, I reported the conclusions reached by the India and Burma Committee of the Cabinet on the

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Viceroy's Memorandum which formed Annexure I to my Memorandum C.P. (45) 281.

2. At the request of the Prime Minister I now circulate for the consideration of my colleagues a draft of the statement which the India and Burma Committee recommended (*vide* paragraphs 2 (iv) and 4 (*c*) of C.P. (45) 296) should be made. The text of this draft has been telegraphed to the Viceroy[2] and he has been asked to telegraph any comments he may wish to make by Tuesday morning.

P.-L.

DRAFT STATEMENT

The statement made by the Viceroy of India[3] after his return from consultations with His Majesty's Government in September outlined the steps which His Majesty's Government propose should be taken to promote the early realisation of full self-government in India.

It was the necessary preliminary that elections should be held to the provincial legislatures and the Central Assembly in India, because it is the firm intention of His Majesty's Government that decisions as to the future governance of British India shall be taken by the directly elected representatives of the Indian people.

It was announced that after the elections in India the Viceroy would hold preparatory discussions with representatives of British India and with the Indian States in order to secure the widest measure of agreement as to the method of framing a constitution. The full significance of His Majesty's Government's proposals do not seem to have been properly appreciated in India and it has been widely assumed that these discussions will be a fruitful source of delay. I desire to make it plain that His Majesty's Government regard not only the setting up of a constitution-making body, by which Indians will decide their own future, and also the other proposals embodied in the announcement, as matters of the greatest urgency.

This misunderstanding has led His Majesty's Government to consider whether the opportunities of personal contact between this country and India which have been greatly interrupted during recent years cannot now be increased. They regard it as a matter of importance that members of our own Parliament should have an opportunity to meet leading political Indian personalities, to learn their views at first hand. They would also be able to convey in person the general wish and desire of the people of this country that India should speedily attain her full and rightful position as an independent partner State in the British Commonwealth and the desire of Parliament to do everything within our power to promote the speedy attainment of that objective.

[1] No. 227. [2] See No. 230. [3] No. 116.

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His Majesty's Government are therefore arranging for a Parliamentary Delegation to go to India under the auspices of the Empire Parliamentary Association. The intention is that this party should leave this country as soon as possible. In view of the difficulties of transport, it will be limited to eight in number and will be selected by the Association in consultation with the political parties in this country.

Finally, His Majesty's Government are convinced that the first great need of a self-governing India will be an efficient and loyal administrative staff who can give effect in a capable and practical manner to the policies of the new Indian Government when it is set up. It would be an ill service, therefore, to a future self-governing India to permit the foundations of the State to be weakened and the loyalty of its servants to those who are in authority to be undermined, before that new Government comes into being. The Government of India cannot divest itself of the responsibility which rests upon it and upon all the Provincial Governments, of preserving law and order and of resisting any attempt to resolve the constitutional issue by force. The realisation of full self-government can only come by the orderly and peaceful transfer of the control of the machinery of the State to purely Indian authority. His Majesty's Government could not permit any attempt to be made to break down the loyalty of the administrative services or the Indian Armed Forces, and they will give full support to the Governments in India in securing that their servants are protected in the performance of their duty and that the future constitution of India shall be called into being not by force or the threat of force but by constitutional means alone.

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Entries in Mr Casey's Diary (Extracts)

Photo. Eur. 48/4

24 November 1945

I think that the principal "lesson" of the last few days has been that the Army is a weapon that is not of much value in support of the civil power—in that one is afraid to use it for fear that the long range consequences may be worse than the immediate good that it can do. The weapon of the Army is the rifle—a lethal weapon. I had the most potent weapon of several battalions of armed and disciplined troops—but I was afraid to use them. When, at last, I did call them in, the trouble was over and they didn't have to function. If they were equipped with tear-smoke and truncheons it would have been a different thing —but these, so they say, are not military weapons. I must try to alter this attitude of mind. I don't want to kill these poor misguided creatures—I only

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want to frighten them and so stop them doing the stupidities that the rabble-rousing politicians have driven them to. The Generals say that I want to turn the Army into police. Well—what of it? What's the matter with that? I want "support of the civil power"—support of the police. I don't want to declare war on the public and kill them. I want to give them a good smack and show them that they can't be silly without getting hurt—but not killed.

* * *

25 November

I told the Viceroy my dilemma about the use of troops in aid of the Civil power. He said that the policy was the result of a great many years of experience. However, I queried the wisdom of it.

* * *

I then saw *General Auchinleck*, who was complimentary about the way we had handled the disturbances in Calcutta. I had a good discussion with him about my reluctance to call in the Army in aid of the police. He said what Wavell had said. After discussion, he said he was not rigid in the matter and asked me to discuss with *General Sir Arthur Smith*. I want the men to be armed with truncheons and tear smoke and with rifles slung on left shoulder. If this were to be done, I'd have very much less anxiety. He admitted the validity of my thesis that (by the use of troops armed only with rifles) we might stifle local trouble—but at the possible risk of a widespread conflagration. I said I had Dyer and Amritsar constantly in my mind in the last few days. By the use of troops in present circumstances, I would, in effect, be relying on the judgment and good sense of a number of junior military officers commanding platoons—which I was very reluctant to do.

I told the Auk some of the lessons that we had learnt in the disturbances—that our police staff work and particularly police telephone and other communications were not at all good. I said we'd be calling on the Army for wireless equipment and for trained signals personnel quite soon. He said he'd respond at once—and asked me to let him know when the request was put in and he'd see to it himself that it was complied with without delay.

He said that Eastern Command could get a supply of ordinary smoke candles and canisters whenever they want them.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/8/525: f 336

IMMEDIATE NEW DELHI, *25 November 1945, 1.5 pm*
Received: 25 November, 9.20 am

2058–S. Superintendent Series. Your 25981.[1] From my point of view I think it essential in the present conditions, which recent events in Calcutta[2] and Bombay have underlined, that emphasis in proposed statement should be laid on His Majesty's Government's determination that law and order should be maintained and Government servants protected. I therefore recommend in succeeding telegram a rearrangement of text of statement, which should I think be prefaced by a reference to recent riots, as I have suggested in a short paragraph.

2. Question of invitation to Parliamentary delegation is being dealt with separately.

3. I have to make important speech in Calcutta on December 10th. I presume I may assume that statement will be made before that date.

[1] No. 230. [2] See No. 246, para. 4.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/8/525: f 337

IMMEDIATE NEW DELHI, *25 November 1945*
Received: 25 November, 11.55 am

No. 2059–S. Superintendent Series. Following is suggested text of announcement as revised. There have recently been serious disturbances in different parts of India, and both in Bombay and Calcutta there have been a number of casualties. Such disturbances constitute a threat to general security, and cannot be allowed to continue unchecked. It is difficult to believe that they are not partly due to inflammatory speeches made in recent months by political leaders.

The Government of India cannot divest itself of the responsibility which rests upon it and upon all Provincial Governments of preserving law and order and of resisting any attempt to resolve the constitutional issue by force. The realisation of full self-government can only come by the orderly and peaceful transfer of control of the machinery of state to purely Indian authority. More-

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over the first great need of a self-governing India will be an efficient and loyal administrative staff who can give effect in a capable and practical manner to the policies of the new Indian Government when it is set up. It would be an ill-service therefore to a future self-governing India to permit the foundations of the State to be weakened and the loyalty of its servants to those who are in authority to be undermined before that new government comes into being.

H.M.G. could not permit any attempt to be made to break down the loyalty of the administrative services or of the Indian armed forces, and they will give full support to the Government of India in securing that their servants are protected in the performance of their duty and that the future constitution of India shall be called into being not by force or threat of force, but by constitutional means alone.

The full significance of the proposals made by H.M.G. after consultations with the Viceroy in (?September) (?do not) seem to have been properly appreciated in India.

The statement made by the Viceroy after his return contemplates the steps which H.M.G. propose should be taken to promote the early realisation of full self-government in India.

It was a necessary preliminary that election[s] should be held to the Provincial Legislatures and the Central Assembly in India, because it is the firm intention of H.M. Government that decisions as to the future governance of British India shall be taken by directly elected representatives of the Indian people.

It was announced that after the elections in India the Viceroy would hold preparatory discussions with representatives of British India and with the Indian States in order to secure the widest measure of agreement as to the method of framing a constitution. It seems to have been widely assumed in India that these discussions will be a fruitful source of delay. I desire to make it plain that H.M. Government regard the setting up of a constitution making body by which Indians will decide their own future and also other proposals embodied in announcement as a matter of greatest urgency.

This misunderstanding has led H.M. Government to consider whether opportunities of personal contact between this Country and India which have been greatly interrupted during recent years cannot now be increased. They regard it as a matter of importance that members of our own Parliament should have an opportunity to meet leading political Indian personalities to learn their own views at first hand. They would also be able to convey in person the general wish and desire of the people of this Country that India should speedily attain her full and rightful position as an independent partner State in British Commonwealth and the desire of Parliament to do everything within our power to promote the speedy attainment of that objective.

(Add paragraph about visit of Parliamentary Delegation to India).

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Mr Abell to Mr Turnbull

Telegram, L/P&J/8/525: ff 339–40

IMMEDIATE NEW DELHI, *25 November 1945, 6 pm*
Received: 25 November, 1.15 pm

2060–S. Superintendent Series. Turnbull from Abell. Viceroy's telegram No. 2059–S. You may wonder why arrangement of paragraph No. 2 of suggested revised text has been altered. Reason is that His Excellency feels that the first necessity is to make it clear that law and order will be preserved. Protection of Government servants though very important is only (?secondary). Arrangement of relevant part of Sec[retary] of State['s] draft might give rise to suspicion that the whole statement was made in response to a complaint by government services.

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Sir H. Twynam (Central Provinces and Berar) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/194: ff 28–9

SECRET GOVERNOR'S CAMP, CENTRAL PROVINCES AND BERAR,
No. R. 58/G.C.P. *26 November 1945*

4. Ruikar, to whom I referred above, has been very prominent at meetings and has declared if any I.N.A. men are executed 20 patriots will arise and that the atrocities committed by the British surpassed the horrors of the Belsen Concentration Camp. I am having his speech examined with a view to a possible prosecution under the ordinary law. At Jubbulpore when a speaker said that the I.N.A. was the army of Congress and asked who would join, all raised their hands. From the same source it is reported that Congress is jubilant at the mistake made by Government in trying the I.N.A. men at Delhi. Congressmen consider that this has given them a chance to win the support of the Indian Army. I am bound to say that I do feel some uneasiness as to the attitude which Indian troops may adopt if called upon to fire on mobs. The disposition towards a sudden change of attitude in a tense political atmosphere is present now, I think, as it was in the days of the mutiny. I have recently been reading some of the original reports printed in select State documents and extremely interesting they are. It is extraordinary how Units which were thought to be perfectly loyal suddenly decided to throw in their lot

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with the mutineers. I do not for one moment suggest that there is any widespread disposition on these lines but a slight uneasiness remains in my mind when I envisage the possibility of the Province being completely denuded of British troops. My Special Branch officer reports that his impression is that sympathy for the I.N.A. varies inversely according to the degree of close association with the war; the closer the association the less the sympathy. He also reports that so far our Police force are apparently not interested.

5. A former Congress Minister in this Province, one D. K. Mehta, claims that Congress has many adherents among Government servants and a lurking sympathy for Congress among a number of Hindu Government officials probably exists. The effect, of course, of the recent campaign is most marked on our European Government servants and many of them are undoubtedly unsettled. At present, in this Province, I have 3 European Commissioners, 5 Deputy Commissioners, no Sessions Judges, no Assistant Commissioners and 7 District Superintendents of Police. Altogether I have available 17 European I.C.S. officers, including 3 Judicial officers, and 19 European members of the Indian Police. These figures exclude people serving in the Government of India but include people on leave. This handful of Europeans has to deal with a population of 18 or more millions over an area of 100,000 square miles. It will be readily appreciated how difficult it will be for the administration if the present "hymn of hate" leads to the retirement of any substantial proportion of this handful of officers.

Possibly the efforts of the Provincial Governors and others to secure a more moderate atmosphere may be reinforced when the Secretary of State makes his expected statement in Parliament.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/8/525: f 335

IMPORTANT NEW DELHI, *26 November 1945, 1.40 pm*
Received: 26 November, 9.50 am

2065-S. You will no doubt see copy of Commander-in-Chief's appreciation of internal situation in India which had been sent to Chiefs of Staff by air mail.[1] I agree generally with the appreciation except for part of para. 17 where Auchinleck suggests that it would be best to avoid despatch of further British troops to India. My view is that it is advisable to increase the number of British

[1] See No. 256.

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troops by unobtrusive means and that the mere presence of British troops as testified by several Governors recently would provide steadying influence and prevent trouble beginning. This I think would be unanimous opinion of District Magistrates and police officers. Auchinleck is anxious that further British units should not be sent until satisfactory cover plan to justify their arrival has been prepared. I accept this condition. Please inform Chiefs of Staff of my view. Auchinleck has seen this telegram.

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General Auchinleck to Field Marshal Viscount Wavell

Wavell Papers. Official Correspondence: India, January–December 1945, pp. 382–3

TOP SECRET AND PERSONAL NEW DELHI, *26 November 1945*

D.-o. No. 80-V. -1/II/57

My dear Lord Wavell,

I have been told by Abell that Your Excellency has agreed generally as to the line of action to be taken in regard to the trials of members of the Indian National Army as set out in my d.-o. letter No. 80/V.-1/II/56 of 24th November.[1] I am grateful for this decision but I feel that I must tell you that, since I wrote to you, I have had personal notes from Generals O'Connor and Scoones emphasising the opinion they expressed while in Delhi last week, that further leniency was undesirable and dangerous to the continued reliability of the Indian Army. In my letter I told Your Excellency that the opinion of my advisers differed widely, and it was these two Army Commanders, who were supported by General Lockhart, G.O.C.-in-C. of the Southern Command and General Deedes, the Adjutant-General, who voiced these opinions.

These officers, I believe, largely base their advice on the conviction that there is no widespread sympathy today in the Indian Army for the I.N.A. and that any further leniency is liable to confuse the minds of Indian officers and men as to where their loyalty lies in the future. Their opinions have considerable force and deserve the most serious consideration, which I have given to them. I believe them to be based largely on advice and information received from formation commanders and senior regimental officers of the Indian Army, mainly British. In fact I think the Army Commanders themselves would admit this.

I know from my long experience of Indian troops how hard it is even for the best and most sympathetic British officer to gauge the inner feelings of

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the Indian soldier, and history supports me in this view. I do not think any senior British officer today knows what is the real feeling among the Indian ranks regarding the I.N.A. I myself feel, from my own instinct largely, but also from the information I have had from various sources, that there is a growing feeling of sympathy for the I.N.A. and an increasing tendency to disregard the brutalities committed by some of its members as well as the forswearing by all of them of their original allegiance. It is impossible to apply our standards of ethics to this problem or to shape our policy as we would, had the I.N.A. been men of our own race.

In spite of the advice of these Army Commanders and the Adjutant-General, three of whom are Indian Officers of long standing and great experience of Indian troops, I am still convinced that the course I have recommended to you is the safest and best—taking all the known and relevant factors into account. I propose therefore to proceed in accordance with your decision to give effect to my proposals.

I may add that I have set up a special organisation in G.H.Q. with the sole object of trying to find out the real feeling of Indian ranks on this subject.

I accept the amendments to the communiqué suggested by Sir John Thorne.

Yours sincerely,

C. J. AUCHINLECK

[1] No. 233.

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Cabinet Paper C.P. (45) 303

L/PO/6/113: f 32

INDIAN SITUATION

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *26 November 1945*

I circulate two telegrams[1] from the Viceroy in which he proposes a rearrangement and some alteration of the draft Statement which I proposed in C.P. (45) 301.[2] The disturbances in Calcutta and elsewhere which have occurred since the draft statement was circulated quite clearly cannot be ignored. I propose therefore to hand round at the meeting of the Cabinet the emendations which I propose in the statement in order to cover these disturbances and to meet, in part at least, the suggestions of the Viceroy.

P.-L.

[1] Nos. 236 and 237. [2] No. 234.

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Sir G. Cunningham (North-West Frontier Province) to Field Marshal Viscount Wavell

Wavell Papers. Official Correspondence: India, January–December 1945, pp. 383–4

SECRET PESHAWAR, *27 November 1945*

No. 271

Dear Lord Wavell,

I am going somewhat outside my proper sphere in writing to Your Excellency about the I.N.A. trial, but the matter is one on which I have been trying to gauge opinion of all sorts and I have now come to a definite conclusion. It is that the C.-in-C. should at once announce that, as Indian opinion is opposed to the trial of these persons, he wipes the whole thing out and takes no further proceedings against anyone. No one can do it but the C.-in-C., of his own volition and on his own responsibility. Done by anyone else, even by the King, it will not have the same effect—particularly on the Army.

Some Army Officers of great experience with whom I have discussed the matter—Dick O'Connor was one—have said that leniency at this stage would have a disastrous effect on the Army. I do not believe that that is true. Some Indian officers and soldiers, whose relations or close friends have suffered under the I.N.A. leaders, are no doubt thirsting for their blood. But I am certain that they are comparatively few and that their resentment at any clemency shown now would not affect Army discipline as a whole. Most Indian soldiers who have said to me "Hang the lot" have, in my opinion, said so because they thought it was what I wanted to hear; and this applies to comment by Indians on most occasions.

The thing is daily becoming more and more purely Indian *versus* British, and less and less ill disposed Indians *versus* British-*cum*-well disposed Indians. I think that every day that passes now brings over more and more well-disposed Indians into the anti-British camp and, whatever the outcome of the trial may be, this anti-British bias will persist in each man's mind. The only way of stopping the rot is by a clean cut, as I have said; and at once.

I dislike saying this intensely. It is tantamount to surrendering to threats, and no reasonable man doubts for a moment that the worst of the I.N.A. leaders ought to have been shot out of hand. Congressmen—Dr. Khan Sahib among them—have said to me "If only they had been shot in Rangoon or Singapore, everyone would have been pleased". But that feeling has gone and cannot now be revived.

I feel terribly for Your Excellency and for Claude A. in this. It is the most difficult problem to tackle that I have ever known in India. But I am certain,

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from what I have heard from a very wide variety of people here, British and Indian, that the best thing to do is to cut our losses.

Yours sincerely,
G. CUNNINGHAM

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Cabinet C.M. (45) 56th Conclusions, Minute 3. Confidential Annex

L/PO/6/113: ff 29-31

Those present at this Meeting held at 10 Downing Street, S.W.1, on 27 November 1945 at 11 am were: Mr Attlee (in the Chair), Mr Herbert Morrison, Mr Ernest Bevin, Mr Arthur Greenwood, Mr Hugh Dalton, Sir Stafford Cripps, Mr A. V. Alexander, Lord Jowitt, Mr J. Chuter Ede, Viscount Addison, Lord Pethick-Lawrence, Mr G. H. Hall, Mr J. J. Lawson, Viscount Stansgate, Mr E. Shinwell, Miss Ellen Wilkinson, Mr Aneurin Bevan, Mr T. Williams

INDIA

(Previous Reference: C.M. (45) 30th Conclusions, Minute 1)[1]

The Cabinet had before them the following memoranda by the Secretary of State for India:—

C.P. (45) 281:[2] reporting on the present situation in India;

C.P. (45) 296:[3] reporting the conclusions reached by the India and Burma Committee as a result of their examination of the situation described in C.P. (45) 281;

C.P. (45) 301:[4] covering a draft of the statement to be made in Parliament restating the policy of His Majesty's Government towards India, and announcing the proposal that a Parliamentary Delegation should go to India under the auspices of the Empire Parliamentary Association;

C.P. (45) 303:[5] embodying the Viceroy's comments on the draft statement appended to C.P. (45) 301.

THE SECRETARY OF STATE FOR INDIA (who handed round copies of a revised draft of the statement designed to meet, in part, the comments made by the Viceroy) said that a promise had been given in Parliament on 22nd November[6] that a statement on the Indian situation would be made at an early date. The revised draft statement which had been handed round did not differ very materially from the original draft circulated under cover of C.P. (45) 301. He had, however, felt it essential to make it clear that His Majesty's Government

[1] No. 104. [2] No. 210. [3] No. 227. [4] No. 234. [5] No. 242.
[6] *Parl. Debs.*, 5th ser., H. of C., vol. 430, col. 753.

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could not overlook the disturbances which had taken place, although he had not gone as far as the Viceroy had suggested in placing the main emphasis on the need for maintaining law and order. As regards the proposed visit of a Parliamentary Delegation to India, it had originally been hoped to arrange an invitation from the Indian Branch of the Empire Parliamentary Association, in which event the Government of India would have met the expenses of the Delegation in India. Since, however, owing to the elections the Indian Branch of the Empire Parliamentary Association was in abeyance, the Chancellor of the Exchequer had undertaken to meet the expenses of the proposed Delegation, and it was hoped that the arrangements for the visit would now go forward. If the Cabinet approved the draft statement which had been handed round, he proposed that it should be made in both Houses of Parliament on 29th November.

The following general points were raised in discussion:—

(a) While it was necessary to make it clear in the statement that the Government of India must preserve law and order, it was even more important to consider what steps could be taken to prevent a further deterioration of the situation in India. The recent disturbances, which were due partly to the feeling in India about the Indian National Army trials and events in Java, appeared to be regarded by the Indian nationalist leaders as premature. But there were various indications that Congress was aiming at the promotion of widespread disturbances in India by about March, 1946.

(b) The Government of India seemed to have no clear conception of their policy and consistently failed to obtain adequate publicity for their point of view. This was in part due to the nature of the Government, which did not contain the necessary political spokesmen who could put forward the Government's case. But there had also been very great reluctance to make use of such aids to publicity as radio and mobile cinemas, even though, in the case of radio, repeated offers of assistance had been made from this country.

(c) No steps seemed to have been taken by the Government of India to publicise the great achievements during the war of Indian troops. Thus, nothing in the way of a victory march of Indian troops had been organised in India.

(d) It was desirable that there should be a change of outlook on the part of the Government of India corresponding to the change of Government which had taken place in this country. In particular, more emphasis should be laid on the social and economic advancement of India, and the Government of India should put themselves forward as the champion of the poorer classes.

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(e) THE SECRETARY OF STATE FOR FOREIGN AFFAIRS said that if the aim was to give India self-government within a measurable time, it was essential to give the Viceroy the help of new political advisers who could devote themselves wholly to the promotion of this policy, unhampered by the details of day-to-day administration. A proposal for the appointment of such political advisers might perhaps have a better reception if it were put forward by the proposed Parliamentary Delegation.

(f) THE MINISTER OF FUEL AND POWER said that, before making statements of policy foreshadowing social and economic developments in India, the Cabinet should be clear what such policies involved and whether they could be made effective. It was specially important that the Cabinet should satisfy themselves that such statements would not have the effect of weakening the authority of the Viceroy and the Government of India at a time when they had to face a very critical situation.

(g) THE MINISTER OF EDUCATION stressed the importance of ensuring that any Delegation from this country made contact with all classes and shades of opinion in India and was not confined to an officially conducted tour. Opportunities should be given for the members of the Delegation to visit the homes of Congress and Moslem League supporters and to address public meetings.

(h) THE MINISTER OF HEALTH suggested that, in addition to sending a Parliamentary Delegation, the Government should make arrangements for a Delegation of trade unionists to visit India and for a reciprocal visit from Indian trade unionists to this country.[7]

The following points were made on the draft statement:—

(i) The opening sentence of the statement should be recast so as to avoid the suggestion that the disturbances had been caused by the announcement that it was proposed to make a statement.

(j) THE SECRETARY OF STATE FOR FOREIGN AFFAIRS suggested that there should be added to the statement a paragraph stressing the intention of His Majesty's Government and the Government of India to press on with the economic and social development of India and promising a further announcement on this aspect of the Government's policy.

(k) THE MINISTER OF HEALTH urged that the statement should be recast in order to stress the different outlook of the present Government towards the Indian problem. For this purpose, less should be said about the restoration of law and order, and more prominence given to the positive

[7] Mr Turnbull minuted here: 'Dange—V[ice] P[resident] of A.I.T.U.C.—has been here for a year. Joshi has been over for I.L.O.'

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steps which the Government proposed to take to improve conditions in India.

THE PRIME MINISTER said that it was clearly desirable that the points raised in discussion should be considered further by the India and Burma Committee before any statement was made. The Committee should prepare a revised draft and should also make recommendations on the wider suggestions of policy which had been put forward. The Foreign Secretary would no doubt furnish the Committee with a note on the proposal which he had made at (e) above and it would be helpful if he could also attend the meeting of the Committee.

The Cabinet:—

Invited the India and Burma Committee to review the position, and to consider the draft of the statement to be made in Parliament, in the light of the various points raised in the course of the Cabinet's discussion.

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Sir J. Colville (Bombay) to Lord Pethick-Lawrence

L/P&J/8/670: f 10

SECRET GOVERNMENT HOUSE, BOMBAY, *27 November 1945*

My dear Pethick-Lawrence,

I write in reply to your secret letter of November the 6th 1945[1] concerning allegations regarding maltreatment of arrested persons by the Police.

2. As mentioned in your letter, the relevant sections of the Criminal Procedure Code are designed to secure that accused persons remain in police custody for as short a time as possible. The Bombay Police Manual further lays down that severe notice should be taken of cases of ill-treatment, and that prosecutions should be instituted in those cases where necessary; and also provides that every opportunity should be given to accused persons to complain if they have suffered any ill-treatment. In this Province magistrates before whom accused persons are produced in custody, are required to ask them specifically whether they have any complaint of ill-treatment by the police. At an earlier stage the police station officer is required to make a similar enquiry. It is also well known both to the police and to the public that the authorities will not tolerate any ill-treatment of persons in detention.

3. The fact remains however that on occasions the police do resort to illegal methods in order to secure confessions or information or, less frequently, out

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of resentment—a regrettable state of affairs but one, in my experience, not confined to India! This is of course particularly true at times of unrest such as those occasioned by the disturbances of 1942 and 1943. At such times the police are not only faced with an enormous increase in the number of crimes to investigate, coupled with increased difficulty in obtaining evidence, but they are also in the position of being themselves the targets of popular agitation and even violence. In such circumstances it would be a miracle if prisoners were on all occasions handled as gently as the law and the rules prescribe. This does not mean however that there is any slackening in the determination of Government and of its senior police officers and magistrates to take the necessary steps whenever well founded complaints of ill-treatment come to light. As examples of this determination we have a fairly recent case in which a police officer (subsequently dismissed) charged with causing hurt in order to extract a confession, was first acquitted by the trial court and later, on an appeal which was lodged by Government, convicted and sentenced to imprisonment. In a second case, in which injuries were inflicted on an absconder wanted in connection with the recent troubles in Satara, a Jemadar was sentenced to imprisonment and fine and he and an Inspector of Police were dismissed. As a third instance, in the recent communal riots in Bombay on a complaint made to the Commissioner of Police by certain Banias who were arrested, a departmental enquiry was held, and two Constables were dismissed for attempting to extort bribes. There are also at present at least two cases of a similar type *sub judice*, in which the accused are police officers. Such cases are bound to occur, but considering the peculiar difficulties of the times we are passing through and the large numbers of persons who had to be arrested in connection with the August rebellion—upwards of 15,000 persons altogether passed through the hands of the police—I think they are few in number and as I have shown above senior police officers are ready to take the proper measures when such complaints come to light.

4. In addition to the few instances in which complaints of ill-treatment by the police can be substantiated we have of course a vastly larger number of false allegations. The vernacular press at the time of the recent disturbances in Satara for instance contained at least 17 allegations of rape, torture, etc., which were found on enquiry to be false. Even in normal times it is quite a common practice for accused persons to make such allegations in the hope that they may thereby prejudice the courts in their favour. In times of stress, such as we have been through lately and may have to go through again, when a certain section of the population is more or less openly at war with the authorities, vilification of the police is regarded as a legitimate weapon in the hands of the enemies of law and order.

[1] See No. 193.

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5. Any wholesale allegation of "zoolum" against the Bombay Police would be entirely unjustified. It is my view that our police force has conducted itself in a manner that compares favourably not only with other provincial forces in India but with most other police forces in the world which have had to face a similar task.

6. I hope this letter will give you all the necessary information to deal with any allegations which may reach you.

Yours sincerely,
JOHN COLVILLE

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 44. *27 November 1945*

Thank you for your letter of the 16th November.[1] Since you wrote we have exchanged telegrams[2] about the political situation, and I have had to say that I do not entirely agree with the suggestions that have been made for reducing the tension. Perhaps your most important suggestion was that I should see Gandhi. The difficulty is that even if this did good with the Congress, it would immediately do corresponding harm with the Muslims and tend to redouble their suspicions. Also Gandhi and Congress would at once try to make a bargain and would use my approach as propaganda. I feel I should try to keep on an absolutely even keel for the time being and do nothing which suggests a tendency either to give way to threats of the Congress or to encourage the intransigence of the Muslim League. As for the proposal that Nehru and Jinnah should go to London I think the chief objection to it is that there is really no chance whatever of their accepting it. The Muslim League could not possibly manage the elections without Jinnah, and Jinnah would consider that if he and Nehru both went, the Muslim League would lose everything whereas the Congress would lose one of a number of efficient electioneering politicians. Also, Nehru is so angry with Jinnah for his behaviour at Simla that he would not be likely to be amenable in discussions with him even in London, apart from the fact that he is committed to a no compromise policy and could not afford to look as though he was going back on it during the elections. This last point of course applies to Jinnah equally. And of course Nehru is not the official head of Congress, as would be pointed out to us.

2. I like your draft announcement in Parliament,[3] and though I have suggested a rearrangement[4] you will see that I have suggested no additions except

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a reference to the recent disturbances. It is, however, important from our point of view here that the primary object of the statement should be to announce His Majesty's Government's determination not to permit violence. The rest on this occasion should be subsidiary. The impression that statements of this sort make in India depends so much more on their tone than on the actual words that an apparently minor rearrangement may be important.

3. You have no doubt seen Auchinleck's appreciation[5] for the Chiefs of Staff. I think it is a good appreciation and have told you in a telegram[6] that I agree with almost all of it, though I have suggested a reservation on one point.

4. Casey flew up to see me on Sunday afternoon and went back the next day. I had a long talk to him about the Calcutta riots.[7] They seem to have been in two phases. The first was the procession of students which was stopped by the police; Casey describes it as a collection of quite hysterical young men, with whom it was impossible to reason, but who were not violent; they eventually dispersed, probably from sheer exhaustion, after some 15 hours shouting and demonstrating. The feature of the next phase was attacks on all forms of transport, large numbers of lorries and private cars being stopped and burnt, road blocks formed across many of the streets, and some of the railway lines stopped by crowds sitting on them. There was no obvious connection between the two phases, but there was certainly a good deal of organisation behind the second phase; it looks as if some of the extreme elements had taken advantage of the first phase to attack the transport system possibly as a dress rehearsal for something bigger later on; possibly in the hope that something big might develop of itself. This phase also ended as suddenly and unaccountably as it had begun. On top of all this was the strike of the Calcutta Corporation employees, which was purely an industrial dispute and had no connection with the riots, but naturally added to the difficulties and anxieties of the Government.

Casey was impressed by the very strong anti-British feeling behind the whole demonstration, and considers the whole situation still very explosive and dangerous. The root cause of it all, he thinks and I agree, lies in the inflammatory speeches of the political leaders during the last month or two, working on the unstable minds of the youthful Bengali. So long as this violent speaking goes on, we shall have to expect outbreaks of this kind. Though one American was killed (burned alive in an ambulance) and a number injured, Casey does not think the Americans were in any way specially attacked; he says they behaved with admirable restraint, and carried out his requests to keep off the streets during the trouble as far as possible.

[1] No. 214. [2] Nos. 223 and 228. [3] No. 234. [4] No. 237. [5] No. 256.
[6] No. 240.
[7] In serious rioting in Calcutta between 21 and 23 November 1945 over 30 persons were killed and between 150 and 200 were injured. During the course of the rioting the police opened fire 14 times.

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Casey was not impressed by the methods or staff work of the police. He intends to hold an official enquiry on the firing, and to overhaul the police arrangements. He is sending one of his officers down to Bombay to study their procedure for dealing with crowds and disturbances.

I think Casey himself handled the affair admirably, and that without him it might have developed more seriously.

5. The need for a firm attitude about violence has been brought home to me by a recent intelligence report I have received. The following are some extracts from a single day's report:—

"In the course of one meeting at Nagpur, R. S. Ruikar threatened the British Government that if mercy was not shown to the I.N.A. personnel, Indians would not spare 'their last drop of blood in saving their lives' and asked the people to hold themselves in readiness for a movement 'more powerful and mightier than that of 1942'."

"In Delhi, large handwritten posters in red ink recently appeared threatening death for 'twenty English dogs' for every I.N.A. man executed."

"In the Central Provinces, the President of the Mahakoshal Provincial Congress Committee is reported to have stated privately that the movement which Congress now visualised, unless Gandhi gave a clear-cut directive to the contrary, would not only be of a violent character but would be reinforced by the co-operation of released I.N.A. personnel and other revolutionary elements trained in guerilla warfare; he declared another movement inevitable."

6. The I.N.A. trials are in progress again, and it is becoming more and more clear that the distorted publicity which has attended them is doing a very great deal of harm to Government and constitutes a threat to the morale of the Indian Army. All parties have taken the same line though Congress are more vociferous than the others. It cannot fail to be disturbing to the Indian Army to find that the vocal part of the country at any rate has an entirely different set of values from that which the Indian Army has been taught to observe. There are undoubtedly many ex-prisoners of war who are extremely angry and resentful about this hero worship of traitors, but the great bulk of vocal opinion is the other way. One of the troubles in India is that the opinion that is heard is only that of a very small urban population which, though it is very far from being representative of the whole country, monopolises the press and the platform.

One trouble is that the evidence against the accused in the present trial, at any rate on the first few days, has not been such as to horrify the normal Indian in any way. The Congress cry has been that these men only "loved their country too well". It would have been much better if we had brought on first the trials in which the accused were alleged to be guilty of the grossest

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brutality to other Indians. But even when evidence of brutality comes out, as it has done lately, the Nationalist papers hide it unobtrusively on a back page and headline some sentence or phrase favourable to their thesis.

The effect of the trials has been discussed in the last few days by police representatives from the Provinces and then by the Commander-in-Chief and G.H.Q. As the result I have accepted a revised policy of which you will have heard by telegram.[8] We have decided in effect to proceed only, apart from the present trial, with cases in which there are allegations of brutality, and a communiqué has been put out which makes our intentions clear. The present trial will still undoubtedly present opportunities, before it is finished, of rubbing in the anti-British propaganda and attacking the morale of the Indian Army. But the first of the brutality trials is to start on the 3rd December, and the way will be less clear for the propagandists when the evidence in that case is also before the public.

7. The I.N.A. trials have been embarrassing, but I think the use of Indian troops in Java and French Indo-China is more damaging in the long run because the case against it is, from the Indian point of view, almost a cast-iron one, and there is little need to twist the arguments in order to make it look wrong. Mountbatten has been here for the last day or two, and although the whole situation is, I realise, extremely embarrassing and difficult for His Majesty's Government, I do support his request for a clear and unequivocal statement of policy. Bevin did his best in his speech of the 23rd November[9] but that speech made it clear, I think, that His Majesty's Government had still not decided whether our task in Java is really "rescue only" or is also the holding of a secure base through which the Dutch can pass and from which they may be able to re-establish their control. From what Mountbatten told me I should think it is next to impossible for the Dutch to re-establish control, and the sooner we make a clear cut decision the better. If we manage to rescue the internees the Dutch can hardly say that we have let them down entirely, and on a sober appreciation of the job to be done they must admit that it is no business of ours to take a large part in it. In any case, as Mountbatten said in one of his telegrams, there is a clear time-limit to the use of Indian troops in Java, and I must continue to press for their withdrawal with the minimum delay.

8. I sent you a copy of Maulana Abul Kalam Azad's letter to me of the 7th November.[10] You may be interested in my reply of the 20th November[11] of which I send a copy with this bag.

9. In paragraph 4 of your letter of the 2nd November[12] you wrote of political prisoners who have served 14 years or more. You sent a list of cases which you had received from Miss Marjorie Fry.

[8] Presumably No. 252. [9] *Parl. Debs.*, 5th ser., H. of C., vol. 416, cols. 759–87.
[10] No. 196. [11] No. 220. [12] No. 184.

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I send you a copy of a letter[13] just received by Home Department on this subject from the Government of Bengal. I presume that [the] 21 persons for whom Bengal are responsible are all included in Miss Fry's list which leaves only 8 others. You will see that it is not correct to say that all these people have served full sentences. They are life convicts, and the Government of Bengal, in view of their records, are not under the present circumstances in favour of a liberal application of what is known as the 14 years rule. Though one is bound to have strong sympathy for the point of view put forward by Miss Marjorie Fry, it would be neither sensible nor humane in present Indian conditions to release men of this sort and accept the risks to general security that are undoubtedly involved. All cases of detention are under constant review; and the Central Government could not properly intervene in a matter which is the responsibility of the Provincial Government. As regards the three persons in Miss Marjorie Fry's list who are stated to be in bad health, I have no doubt that the Bengal Government are fully informed of their condition, but I have directed that this report should be brought to their notice. Replies from Provincial Governments about the other persons in Miss Fry's list are expected shortly. But all these cases have been so carefully considered lately that I doubt whether there is much scope for further releases by Provincial Governments.

10. I also send with this bag a copy of Abell's letter of 26th November[14] to Gandhi about the allegations of Mr. Yajee. This reply is based on careful enquiries by Thorne who visited the Red Fort himself. On the whole I am rather relieved to find how little of these allegations of police maltreatment is substantiated on investigation. But I realise, and so does Thorne, that evidence in such cases is difficult to procure. Thorne has asked for specific information on a number of points with regard to the treatment of political prisoners and will keep a close eye on this matter. He proposes to pay a surprise visit to the Fort in Lahore where political prisoners have been detained and where interrogations have frequently been carried out.

11. I mentioned in paragraph 2 of my letter of the 20th November[15] the suggestion made to me that I might advocate legislation to enable Government to direct that certain cases brought by or against Government servants should be heard *in camera*. You will, I expect, be glad to hear that I have dropped this idea. I am advised that though press publicity for such trials might be prevented secrecy would not in fact be preserved, and the resultant rumours might be as damaging to Government as press reports of the trials. Moreover, we could not prevent comment on the promulgation of the ordinance, and the comment might do us a good deal of harm. Besides this, offence may be caused to the Federal Court and the High Courts. So Provincial Governments will have to carry on as best as they can and use the courts in the ordinary way to protect their servants.

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12. As I have reported to you, the food situation again has some unsatisfactory features. Accurate percentages cannot be established in Bengal, but as I told you in a telegram,[16] Srivastava and Hutchings think that the crop will not be less than 80 per cent of normal, the figure previously mentioned; but that it will be little, if any, better. A representative of the Bombay Government has been in Delhi recently and has secured an immediate allotment of just under 150,000 tons of foodgrains, with a conditional promise of another 80,000 tons later. Colville has thanked me for this but says he may have to ask for more in due course. The trouble in Bombay is that in five districts not only has the *kharif-jowar* dried up but the chance of a *rabi-jowar* crop has more or less vanished owing to lack of rain.

To meet the situation in Madras resulting from the cyclone and tidal waves, comparatively small immediate allotments have been made, but it will be necessary to give further assistance later. Meanwhile, Food Department have accepted the need to provide another 50,000 tons for Bihar. The situation might be less disturbing if procurement was going well in the Punjab, but it has been necessary for some time to hold off the market as wheat is not coming into the *mandis* and the price is very near the statutory maximum. Wheat is being imported into the United Provinces in an attempt to stabilise the position there, and if this is successful it will no doubt have its effect in the Punjab. But success is not in sight yet.

13. Thank you for your letter of the 7th November[17] about the States. Corfield is advising me on this, but I doubt if he will be in favour of the informal discussions you suggest. I will write again about this.

[Para. 14, on ships for the Royal Indian Navy; and para. 15, on the prohibition of opium smoking, omitted.]

16. Sir B. N. Rau has reported on the boundary dispute between Madras and Orissa which held up the Machkund scheme. He has found that the Madras claim has practically no evidence to support it, and has also rejected the counter-claim by Orissa. The middle of the river is now established as the boundary between the two Provinces, and the Machkund scheme will, I presume, be able to go ahead.

I have heard no more lately of the Sind-Punjab dispute on the Indus water, but I hope that that is on the way to settlement.

I opened a meeting of the Irrigation Board yesterday, which was to discuss a large number of big projects for irrigation and hydro-electric power. If only India keeps peaceful, there is a lot of activity stirring in all directions. It will be disastrous if progress is stopped or hampered by wide-spread civil disorder.

[13] Not printed. [14] L/P&J/7/8460. [15] No. 219.
[16] 2045-S of 23 November. L/E/8/3341. [17] No. 197.

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17. I am glad that you have been able to do so well for us over passages to India. I think the position certainly seems easier now.

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Cabinet

India and Burma Committee. I (45) 8th Meeting, Minutes 1–2, 4

L/PO/6/113: ff 13–20

Those present at this Meeting held at 10 Downing Street, S.W.1, on 28 November 1945 at 12 noon were: Mr Attlee (in the Chair), Sir Stafford Cripps, Lord Pethick-Lawrence, Viscount Stansgate, the Earl of Listowel

Also present were: Mr Ernest Bevin (for item 1), Mr A. Henderson; Mr E. A. Armstrong and Mr J. P. Gibson (Secretariat)

1. THE INDIAN POLITICAL SITUATION—STATEMENT OF POLICY

THE COMMITTEE had before them the draft of a statement on the Indian situation which had been remitted to them by the Cabinet[1] after consideration of a memorandum by the Secretary of State for India (C.P. (45) 301)[2] and other related papers.

Discussion turned mainly on the question of the extent to which reference should be made in the draft statement to the recent disturbances in Calcutta and elsewhere. The general feeling of the Committee was that it was undesirable to give undue prominence to these occurrences and the draft statement was amended with this in view.

A number of other amendments were made.

THE COMMITTEE:—

(i) Approved the statement of policy as amended in the course of discussion (Note—the revised statement is attached as Annexure I to these minutes).

(ii) Agreed that the statement should be made early in the following week, preferably on Tuesday, 4th December, by the Leader of the House in the House of Commons and by the Secretary of State for India in the House of Lords.

(iii) Invited the Secretary of State for India to telegraph the statement to the Viceroy before its announcement in Parliament.

With reference to suggestions that the Government of India had given insufficient publicity to India's war effort, the achievements of the Indian Army, and the activities of the Government in the matter of economic and social

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reform, THE SECRETARY OF STATE FOR INDIA gave the Committee an account (reproduced in Annexure II to these minutes) of the publicity measures taken by the Government of India.

THE COMMITTEE:—

(iv) Took note of this statement by the Secretary of State for India.

2. TREATMENT OF MEMBERS OF THE INDIAN NATIONAL ARMY

THE COMMITTEE had before them I.B. (45) 19[3]—Memorandum by the Secretary of State for India, covering *inter alia* an appreciation by the Commander-in-Chief, India, of the situation in respect of the trials of members of the Indian National Army. In this memorandum the Commander-in-Chief estimates that the number of offenders to be tried under the various heads will be at most 120, that the maximum number of death sentences likely to be imposed is 45 and that the number of cases in which the death sentence will be confirmed is not likely to be more than 20.

In the course of discussion the following points were made:—

(a) The Committee were informed that the trials had already begun and that the Government of India aimed at completing them within six months.

(b) It was felt that the Commander-in-Chief's appreciation had not covered the whole ground which the Committee had wished it to cover, e.g. it was silent as to the more remote consequences of the policy adopted for the trials on the Indian Army of the future in its relationship to the Government of a self-governing India.

(c) Some concern was expressed at the effect of the trials on the forthcoming elections in India, and it was suggested that politically it might have been more expedient if the trials could have been held outside India; it was recognised, however, that this was no longer practicable.

(d) It was suggested that the policy governing the trials had not been properly presented to the Indian public. In particular, it had not been made clear that the number of persons to be tried was very small in relation to the total number of offenders, and included only the worst traitors.

THE SECRETARY OF STATE FOR INDIA said that his information was that every effort had been made to secure the necessary publicity. The difficulty, however, was that the vernacular press, as a whole, would not publish the facts.

(e) In reply to a question whether the period within which it was hoped to complete the trials could not be shortened, THE SECRETARY OF STATE FOR INDIA said that the authorities in India were fully alive to the need for speed.

[1] No. 244. [2] No. 234. [3] No. 207.

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THE COMMITTEE:—

Approved the policy which had been put into practice by the Commander-in-Chief in India as regards the trials of members of the Indian National Army, on the lines set out in Annexure III to I.B. (45) 19.

[Item 3, on Burmese civilian collaborators, omitted.]

4. PROPOSALS THAT THE VICEROY SHOULD SEE MR. GANDHI AND THAT MR. NEHRU AND MR. JINNAH SHOULD BE INVITED TO LONDON

Referring to the proceedings of the Committee at their meeting on the 19th November (I.B. (45) 7th Minutes, Item 1),[4] THE SECRETARY OF STATE FOR INDIA stated that the Viceroy thought it inadvisable to invite Mr. Gandhi to see him; the invitation would be used for Congress propaganda and would arouse the suspicions of the minorities, and it was doubtful whether Mr. Gandhi would be prepared to exercise a restraining influence. Nor did the Viceroy favour an invitation to Mr. Nehru and Mr. Jinnah to visit London; he was sure they would not accept but would make political capital out of their refusal; the invitation would also arouse suspicion among the lesser minorities, and further would be regarded as merely a trick of His Majesty's Government to remove these leaders from election activities; moreover, it was to be remembered that Nehru was not the head of the Congress Party.

THE PRESIDENT OF THE BOARD OF TRADE expressed his disagreement with the Viceroy's views. He felt most uneasy at the steadily widening breach between ourselves and the Indian leaders: it was very desirable to resume and improve the personal contacts which had been interrupted by the war; and he felt there would be great advantage in having the leaders over here and giving them an opportunity to talk and express their points of view.

THE PRIME MINISTER thought that very little would be gained by inviting the leaders over here; such action might indeed be regarded as contrary to our declared policy of dealing with the elected representatives of the Indian people. There might, however, be something to be said for a representative of His Majesty's Government going out to India and talking to the leaders on the spot.

THE PRESIDENT OF THE BOARD OF TRADE said he would be satisfied if someone were to be sent out from here, but he felt that the suggestion that Mr. Nehru and Mr. Jinnah should be invited here—and his information was that Nehru at least would probably accept—deserved further consideration.

THE COMMITTEE:—

Agreed to defer further consideration of this matter till a later meeting.

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Annexure I to No. 247

STATEMENT APPROVED BY THE INDIA AND BURMA COMMITTEE ON 28TH NOVEMBER, 1945

The statement made by the Viceroy after his return to India contemplates the steps which His Majesty's Government propose should be taken to promote the early realisation of full self-government in India. The full significance of these proposals does not seem to have been properly appreciated in India.

Since it is the firm conviction of His Majesty's Government that it is by and in consultation with the directly elected representatives of the Indian people that decisions as to the future governance of British India should be taken, it was a necessary preliminary that elections should be held to the Provincial Legislatures and the Central Assembly in India.

It was announced that after the elections in India preparatory discussions would be held with the elected representatives of British India and with the Indian States in order to secure the widest measure of agreement as to the method of framing a constitution. Unjustified suggestions have gained wide currency in India that these discussions would be a fruitful source of delay. I desire to make it plain that His Majesty's Government regard the setting up of a constitution making body by which Indians will decide their own future and also other proposals embodied in the announcement as a matter of greatest urgency.

This misunderstanding has led His Majesty's Government to consider whether opportunities of personal contact between this country and India which have been greatly interrupted during recent years cannot now be increased. They regard it as a matter of importance that members of our own Parliament should have an opportunity to meet leading political Indian personalities to learn their own views at first hand. They would also be able to convey in person the general wish and desire of the people of this country that India should speedily attain her full and rightful position as an independent partner State in the British Commonwealth and the desire of Parliament to do everything within our power to promote the speedy attainment of that objective. His Majesty's Government are therefore arranging for a Parliamentary Delegation to go to India under the auspices of the Empire Parliamentary Association. The intention is that this party should leave this country as soon as possible. In view of the difficulties of transport, it will be limited to eight in number and will be selected by the Association in consultation with the political parties in this country.

During the transition towards complete self-government India will be passing through difficult times. No greater disservice could be done to a future Indian Government and to the cause of democracy than to permit the foundations of the State to be weakened and the loyalty of its servants to those who are in

[4] No. 217.

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authority to be undermined before that new government comes into being. Therefore the Government of India cannot divest itself of the responsibility which rests upon it and upon all Provincial Governments of preserving law and order and of resisting any attempt to resolve the constitutional issue by force. The realisation of full self-government can only come by the orderly and peaceful transfer of control of the machinery of state to purely Indian authority.

His Majesty's Government could not permit any attempt to be made to break down the loyalty of the administrative services or of the Indian armed forces, and they will give full support to the Government of India in securing that their servants are protected in the performance of their duty and that the future constitution of India shall not be called into being by force or threat of force.

In addition, the great need of India, whatever Governments are in power, is to raise the standard of life, of education, and of health of the masses of the people. Boldly conceived plans to meet this are already in being and His Majesty's Government are giving every encouragement to proceed with them so that improving social conditions may go forward simultaneously with the institution of self-government.[5]

Annexure II to No. 247.

PUBLICITY IN INDIA ABOUT (1) INDIA'S WAR EFFORT AND THE ACHIEVEMENTS OF THE INDIAN FORCES, AND (2) PLANS FOR ECONOMIC AND SOCIAL REFORM

1. Since the commencement of the war a Directorate of Public Relations in the War Department of the Government of India, in charge of officers of wide publicity experience and knowledge of India, has been responsible for publicity about the Indian Forces and their achievements. Representatives of the Directorate have been attached to all Commands containing Indian Forces in India and in the Field, and a constant flow of publicity material of all kinds, including Observer stories, photographs, films and publications, has been made available throughout India and the fullest facilities have been given to representatives of the Indian Press to see India's war effort for themselves and to visit Indian units in operational theatres.

In this work the Information and Broadcasting Department of the Government of India which was greatly expanded on the outbreak of war has worked hand in hand with the War Department, and in the early stages an All-India organisation known as the "National War Front" was established with organisers and branches in each Province with the object of associating the people of India more closely with the war effort and bringing home to them the necessity of making the maximum contribution. This used every media of

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publicity including speakers, travelling cinema shows, poster campaigns, competitions and war exhibitions. It will be recalled in this connection that the Viceroy also established the National Defence Council consisting of All-India representatives with a view to keeping public opinion in touch with the progress of the war and maintaining morale.

Through publications of its own such as "Indian Information" the Information and Broadcasting Department did all that was possible to explain the issues at stake and the great contribution India was making. The chief medium, however, for keeping the public informed was, of course, the Press in India. While, however, the English-owned section of the Press gave the fullest possible support both in its news and editorial columns, it is unfortunately the case that from political motives the Indian-owned and especially the Congress Press took the line all through that India had been brought into the war against her wishes, that the Army was a mercenary one, and that the war was being fought for Imperialist ends. The whole campaign of publicity was therefore handicapped by the policy of non-co-operation of the political parties and of the Press behind those parties.

2. The Information and Broadcasting Department of the Government of India has placed special emphasis during the past twelve months on the Government of India's plans for economic and social reform and these have been widely publicised, again through all publicity media, throughout India. The schemes have been explained in detail, not only by official speeches by Sir Ardeshir Dalal, the Member for Planning, but in a series of Press Notes which, in the news columns of the Press as a whole, have been given wide attention. Here again, however, it has to be recognised that the Nationalist Press has all along been extremely critical, not so much of the schemes as such, but of the fact that they have not been convinced [conceived] by a government representative of the people and able to capture the imagination and support of the masses. In other words, the political and constitutional issue overshadows the treatment by the Press and political parties in India as a whole of the policy and administrative measures, not only of the Central Government but of every Provincial Government. And, speaking by and large, the Congress Press is concerned only to comment on destructive lines.

[5] The Statement made by Lord Pethick-Lawrence in the House of Lords on 4 December 1945 was identical with the text in this Annexure except that the last sentence of para. 4 had been amended to read: 'In view of the difficulties of transport, it will be limited in size. The Delegation will be selected by the Association in consultation with Parliamentary representatives of the chief political Parties in this country.' See *Parl. Debs.*, 5th ser., H. of L., vol. 138, cols. 257–9.

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Cabinet Paper C.P. (45) 313

L/P&J/8/525: f 293

SITUATION IN INDIA

NOTE BY THE PRESIDENT OF THE BOARD OF TRADE

BOARD OF TRADE, *28 November 1945*

I attach copy of a letter I received immediately after our discussion in the Cabinet on the 27th November (C.M. (45) 56th Conclusions, Minute 3).[1]

2. It is from a most reliable correspondent, Shiva Rao, who is extremely moderate in his views, and, as it answers some of the questions put during the course of the discussion, I thought my colleagues might care to see it.

R. S. C.

COPY OF A LETTER DATED 20TH NOVEMBER, 1945, FROM B. SHIVA RAO TO THE PRESIDENT OF THE BOARD OF TRADE.

7 BARAKHAMBA ROAD, NEW DELHI, INDIA

A group of pressmen was taken to the Red Fort in Delhi yesterday to see the I.N.A. men, both those awaiting trial and those that have been brought to Delhi as prosecution or defence witnesses. I am more than ever before convinced that this trial is a first-class blunder. The amount of excitement that has been created all over the country, and particularly among the young, may reach dangerous proportions if these men should be found guilty and sentenced. Even men in the regular army are being influenced by the trial. Travelling round India, I have spoken to men in uniform who have pointed out to me the significance of the fact that so many of the Indian soldiers in Burma and Malaya should have gone over to the other side. They complain bitterly about the discrimination shown in treatment and allowances in favour of British other ranks. This is true both of the army and the air force. The men undergoing or awaiting trial are utterly indifferent to their own fate. There is not the slightest feeling among them of Hindu and Moslem. They told us yesterday that in their army they had abolished all such distinctions. Hindus and Moslems had to eat the same food cooked by the same people and no questions were asked. The fact is receiving wide publicity. A majority of the men now awaiting trial in the Red Fort is Moslem. Some of these men are bitter that Mr. Jinnah is keeping alive a controversy over Pakistan. The fact that Congress leaders are associated with the defence is going to prove a powerful factor in the coming elections, particularly in the Punjab.

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2. So far as one can see, in the Central Assembly the Congress will have about 60 seats, Moslem League about 30 and the European Group 9 or 10. These will be the three main parties. In the provinces, the Congress is certain to get majorities in not less than 6, possibly 7 or even 8 provinces, the League may get Bengal and possibly Sind, and the Unionist party will come back to power in the Punjab with a reduced majority. At that stage I am not sure that the Congress leaders will agree to a renewed Wavell offer for the reconstitution of the Central Executive on the lines of his last attempt in July, unless the Labour Government announces a far-reaching policy and makes considerable alterations in the Central Executive in order to invest it with much greater power and authority than it now possesses.

3. I do not think anyone outside India can realise the indirect but powerful effect of the struggle in Indonesia on the national movement in this country. Every day brings fresh evidence of a revolutionary impulse sweeping over different parts of Asia. To-day it is in North Persia. The Indian press gives prominence to the demand of the Anti-Fascist League in Burma for collective responsibility in the Burma Executive.

4. I wish it were possible for a delegation from England to visit India at least to study the conditions now prevailing and the temper of the people. There is not a single element in Indian public life on whose support the British Government can rely. Most of the Congress leaders are speaking in terms of a renewed struggle, and Nehru has frequently used the term "revolution" in this connection. The elections are no doubt keeping everybody busy, but events will move with almost bewildering rapidity once the elections are over.

(Signed) SHIVA.

[1] No. 244.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: f 319

IMMEDIATE INDIA OFFICE, *29 November 1945, 1 pm*

26414. Superintendent Series. Your telegrams 2058–S & 2059–S.[1] I have considered further in consultation with my colleagues text of proposed statement. As this cannot now be made until next week & disturbances have died down we do not feel it is desirable to open with reference to them, & we greatly prefer to begin with restatement of the positive policy already outlined.

[1] Nos. 236 and 237.

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Text as finally approved is in my next succeeding telegram[2] and will be made in Lords & Commons on a day next week, possibly Tuesday.

[2] In tel. 26415 of 29 November, Lord Wavell was sent the text of the Statement given in Annexure I to No. 247.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI, *29 November 1945*

I am sending this letter with Mayne. I have talked with him on the I.N.A. trials and Indonesia, and he knows my views. Many thanks for your private and secret letter of the 23rd November[1] and for a top secret letter of the same date[2] which have just arrived. I will answer them in detail later. I am grateful for the assurances you have given me, and fully appreciate the position of His Majesty's Government. I hope it will be possible to make a statement on India in Parliament fairly soon. I am looking forward to hearing further from you about the M.Ps. delegation, which I am sure is a good idea.

2. I am seeing the Chief tonight about the I.N.A. policy and we shall have our discussion in Council tomorrow. As the decision is likely to involve going rather farther with the policy of clemency of which you have already been informed, War Department will send you a telegram as soon as Council have considered the matter. Probably an announcement will have to be made this Saturday since another trial begins on Monday. In this new trial and in all future trials, if the policy proposed by the Chief is accepted, the charges will include a charge of gross brutality against other Indians.

3. I have had an account from Jenkins of your interview with him. I hope it may be possible for him to see the Prime Minister and Bevin.[3] I am sure it would be a good thing to give them first-hand information, and they could not have a more lucid expositor than Jenkins.

4. I will write to you my usual weekly letter in a day or two and will tell you something of the ambitious labour legislation put forward by Ambedkar, which we have been considering in Council.

I am off to Bahawalpur State for the week-end. The programme includes some of the usual Viceregal chores—laying the foundation-stone of a hospital, seeing State troops at training, town planning, garden party, etc.; also a duck shoot.

[1] No. 231. [2] No. 232. [3] See No. 225, note 4

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Minutes by Field Marshal Viscount Wavell and Mr Abell

R/3/1/108: ff 16–17, 19–22

TOP SECRET *29–30 November 1945*

P.S.V.

You have the file on future constitutional moves. The more I turn things over in my mind, the more I think that the only possible solution is for H.M.G. to take charge; to give up further abortive consultations with political leaders, and to lay down a programme of its own which will command sufficient popular support to be acceptable at least to the more sensible and moderate. I am not sure whether this is still possible, or whether it is too late.

The sort of programme I have in mind is that I should select, in consultation with H.M.G., an Executive Council which would be recognised by the general public as representative of the best of Indian opinion, and issue an invitation to them; if any of them refuse, invitations should be sent to substitutes until a reasonable body is formed. I do not think that it would be possible to include representatives of the States in this Council, unless it was decided to enforce the 1935 Act with the necessary modifications. If an Executive Council of the present type were formed it might be possible to have an advisory body, on the lines of the National Defence Council, on which both Provinces and States would be represented.

At the same time, H.M.G. should announce the composition of a constitution-making body, on which all main interests would be reasonably represented, lay down its terms of reference, a period for its deliberations, and undertake to accept the findings of this body, provided they represented, say a two-thirds majority.

H.M.G. might at the same time form a body to draft a Treaty between Great Britain and India.

The above is only a very crude outline, but it seems to me that something on these lines may be the only possible way of arriving at a solution without an internal struggle. If H.M.G. should decide to act in this manner, it should make a perfectly unequivocal announcement that it will suffer no interference with its programme.

There is nothing particularly new in the above, it is on lines that we have had under consideration. I am afraid that it may be rather too late, but I should like you to consider it and let me have your comments.

W.

29–11–45

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Y.E.'s note of yesterday. I doubt whether H.M.G. would accept a change of policy in advance of an actual breakdown, especially if the proposed new policy were undemocratic in form. I suggest that this consideration is decisive as regards the possible implementing of Y.E's scheme *before* the discussions of next spring and summer.[1]

2. It remains true that we must have a breakdown plan ready for implementing if a breakdown occurs, and I have been thinking ever since the London discussions what this should be.

3. The difficulty about Y.E's scheme is that it involves announcing at the outset what majority will be decisive in the Constitution-making Body, hereafter called C.M.B. If the C.M.B. as constituted by H.M.G. contains 30 Muslims and 70 others, a decision that a 65% majority only is needed probably means that H.M.G. hands India over to the Congress. On the other hand if a 75% majority is declared to be necessary, the Muslims rejoice and the percentage ensures that there can be no agreed unitary constitution for India.

4. Though H.M.G. might declare that they would allow nothing to stand in their way and prevent them implementing their new policy, in fact they could not, I think, proceed if the Congress refuse to take office in the Executive Council and refuse to allow their representatives to attend the C.M.B. If, owing to the rules of procedure laid down for the C.M.B., the Congress were satisfied that they had no chance of carrying their point of view in that body, they would probably non-cooperate. H.M.G. would be committed to impose a constitution decided upon by the minorities and there would, I think, be revolution in India almost at once. Alternatively if steps were taken in time, India might be held down by force, but I do not think we could ever extricate the British troops and leave the new constitution working without them.

5. It might be easier to proceed if the rules for the C.M.B. were made such that the Hindus accepted them but the Muslims did not. The Muslim League is less solid than the Congress and there are many Muslims that believe in a unitary government. But here again I think that the imposition of a constitution by act of H.M.G. would lead to the disruption of India in due course as the result of Muslim opposition and hatred engendered.

6. Sir Maurice Gwyer said in a speech or note that I saw that a country that could not agree on a constitution was proved by that one fact to be not fit for freedom. Whether or not this is true, I think that a measure of agreement between the parties will be essential if India is to become free.

7. There are great advantages in self-determination and these are well described in Chapter 3 of Part III of Coupland's book.[2] I think the breakdown plan should proceed on self-determination as a principle.

8. Y.E. has seen Sir Evan Jenkins' note of November 10th[3] in which he

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suggests as what he calls a reserve plan action to set up a Federation of the Hindu Provinces. I thought at first that this had no chance of success because it involves accepting, for the time being at any rate, the Muslim claim for Pakistan and because Rajagopalachari, when he put forward a scheme on these lines, was turned down most decisively by the Congress. But I have been talking recently to Sir B. N. Rau who thinks that this is the right sort of reserve plan and that it might be acceptable to the Congress. He points out that historically this is the right way to set about securing the Federation. The constitution for Hindustan would be framed by representatives of the Hindustan Provinces and representatives of Pakistan Provinces could attend if they liked without any commitment. When the constitution was ready it would be submitted to the Legislatures of the Provinces and those that accepted it would enter the Federation at once. For the Pakistan Provinces an attempt would be made to avoid deciding now the critical points (a) whether territorial adjustments should be permitted in these provinces before they exercise their option; and (b) by what vote or procedure that option should be exercised. The Pakistan Provinces would be offered to continue for the time being under their present constitution with the British support they have now. They could watch the formation of Hindustan and they could decide later (by unspecified procedure) to join the Federation or stay out. It would be made clear that H.M.G. would be ready to grant Dominion Status as under the Cripps Plan to the Pakistan Provinces if they wanted it. The main difficulty would be to prevent the parties from forcing an immediate decision on the issue of accession or non-accession.

9. Sir B. N. Rau was inclined to suggest that it would be necessary (as in Sir Evan Jenkins' note) to give large territorial units in the Pakistan Provinces the option of merging themselves into the neighbouring federating provinces of Hindustan. I pointed out that this, though apparently reasonable, would almost certainly wreck the chances of a peaceful evolution along the lines proposed. There would be violent opposition by the Muslim League, counter-claims by the Congress, and another all-India impasse.

10. Sir B. N. Rau suggested as a refinement that in order to avoid the embarrassment of Government commitments, it might be possible (on the line of the Canadian precedent) to have the constitution for Hindustan prepared unofficially in the first place in a conference collected on the invitation of e.g. the Congress Premier of Bombay or Madras.

11. Sir B. N. Rau and Mr. Menon have promised to consider the points that were raised in our discussions and to let me have a note within a week.

G. E. B. ABELL

30.11.45.

[1] Lord Wavell minuted here: 'I didn't contemplate it before the discussions.'

[2] See No. 2, note 4. [3] No. 204.

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Governor-General (War Department) to Secretary of State

Telegram, L/PO/10/25

IMMEDIATE
CONFIDENTIAL

NEW DELHI, *30 November 1945, 2.50 pm*
Received: 1 December, 5.5 am

No. 13814. *One.*—Since our telegram No. 10650 dated 25th August 1945,[1] there have been considerable developments with which we think you should be acquainted at once.

Two.—First your decision that we should as far as possible avoid detaining persons under Ordinance led to an examination of the legal possibility of holding men indefinitely in military custody. All our legal advisers were agreed that since it is provided in military law that persons accused of an offence must be brought to trial by Court-Martial or released as early as possible, we should have no valid grounds for resisting suits of *habeas corpus* if we were detaining men in military custody with the object of keeping the more dangerous in custody until the internal security position seems such as to justify their release. Such suits would be likely to succeed if we were aiming at retaining men in custody for so long as one year, which was the period over which we originally proposed to spread releases.

Three.—Simultaneously with this legal examination we were considering the desirability of keeping men for so long as one year if in fact we were going to release them without trial. On further consideration it appeared that to keep them together would foster a tendency to combine when they were released and would also embitter them. At the same time, since the Provincial authorities would in any case some time have to face the problem of dealing with these men on release, the advantages of postponing the evil day seemed doubtful. Again, if there is to be an autonomous government in the spring, it appears better to release the men before this happens and dismiss them from the Army. This at least makes sure that they will not be retained in the Army as they might be if still subject to military law when an autonomous government came into power.

Four.—We are therefore taking steps to release as quickly as possible those persons classified as "black" who are not to be brought to trial. It is not possible to release them immediately because a Court of Enquiry has to be held and Provincial Governments require 30 days' warning of the release of each man. The flow has not yet got under way but it should be in full swing early in the new year.

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Five.—It was of course always the policy to release those classified as "grey" and this is now being done from regimental centres as quickly as possible.

Six.—Persons detained under Ordinance IV in the interests of military security are now being transferred to their Provinces of origin for release by those Provinces.

Seven.—There remains the most difficult question of the trials. You will recall that it was originally proposed to try the following categories:—

(*a*) Officers of the I.A.
(*b*) V.C.Os. who became officers in I.N.A.
(*c*) V.C.Os. who joined 950 Regiment.
(*d*) Those who initially deserted from our lines as opposed to being taken prisoner.
(*e*) I.O.Rs. who became officers or under-officers in 950 Regiment.
(*f*) Those instrumental in causing the death of any British or Allied subject, whether in or out of battle.
(*g*) Those responsible for brutal conduct either to follow [fellow] J.I.F.S./H.I.F.S. or to members of the Allied Forces.
(*h*) Those who took part in the capture and handing over to the enemy of any British or Allied subject.
(*i*) I.O.Rs. who became officers in I.N.A. and took a leading part against us in battle, including front line intelligence duties.
(*j*) Fujiwara volunteers. (These were formed in Malaya from volunteers before the fall of Singapore.)

These categories were subsequently reduced to the following:—

(*a*) Any person actively instrumental in causing the death of any British or Allied subject, whether in or out of battle.
(*b*) Any person responsible for the brutal treatment of any British or Allied subject.
(*c*) Any person taking a responsible part in the capture and handing over to the enemy of any British or Allied subject.
(*d*) Officers, V.C.Os. and I.O.Rs. who became officers in the I.N.A. and 950 Regiment and took a leading part against us.
(*e*) Fujiwara volunteers.

Eight.—Since that decision was reached the trials of the first men have begun and there has been a spate of speeches, articles in the Press, telegrams and petitions from widely differing sections of public opinion, all urging a complete amnesty. Press comment, which began by representing the I.N.A. as misguided

[1] Discussing arrangements for release of the communiqué on treatment of members of the I.N.A. See also No. 60, note 3.

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men to whom it would be politic to extend clemency, has now turned to glorifying them as national heroes who made great sacrifices for the sake of India's freedom, and who by their action saved the lives and property of large numbers of the civil population in occupied countries. Much is made of the fact that the I.N.A. policed Rangoon after the departure of the Japanese and before British Forces could take over. It is claimed that Bose's government was recognised by seven powers as an independent government and that members of the I.N.A. were therefore entitled to treatment as combatant members of the army of a belligerent power.

Nine.—We have considered very carefully the results of adherence to the previous policy which would have brought to trial some 200 to 300 people and might have resulted in some 40 or 50 sentences of death. It seems to us that the paramount considerations are first to prevent any further worsening of relations between Britain and India which might make impossible a peaceful solution of the constitutional difficulties; and secondly to preserve the reliability of the Indian Army. When we first considered this question there was no doubt that the great majority of the Indian Army were hostile to the I.N.A. and that too much clemency would have appeared to them a mistake. This is probably still the feeling of those who were prisoners of war and remained true to their allegiance, of units which fought the I.N.A. in Burma and of the older men of the regular Army. But it no longer seems to be true of the majority, who are much more liable to be influenced by opinions in the Press and public clamour than the pre-war army. Indications are that the majority opinion in the Indian Armed Forces is in favour of leniency.

Ten.—With these considerations in mind we have reached the conclusion that abstract justice must to some extent give way to expediency. Future trials will therefore be limited to cases of brutality and murder which cannot be defended on the plea that the accused was carrying out what he believed to be his duty as a member of the I.N.A. on the assumption that that was the army of a belligerent power. This will probably involve trying between 20 and 50 accused persons.

Eleven.—It is not clear whether the trials of the present three accused will come into this category. Indeed it seems likely that two of the three at least can defend their action on the grounds that they believed they were doing their duty as members of the I.N.A. If this is established it will be taken into account by His Excellency the Commander-in-Chief in considering whether to confirm or commute sentences.

Twelve.—We are announcing this policy today and it will appear in the Press on December 1st. Although it will mean that we shall not bring to trial a number of men who may be regarded as guilty of treachery and of misleading

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others, we feel that the overriding considerations mentioned in paragraph nine above must prevail and that this is the best course in order to preserve the reliability of the Indian Army.

Thirteen.—Case has been take[n] in Council.[2]

[2] This tel. and No. 258 were circulated to the India and Burma Committee under cover of Paper I.B. (45) 22 of 6 December 1945. L/WS/1/1577.

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Field Marshal Viscount Wavell to Sir G. Cunningham (North-West Frontier Province)

Wavell Papers. Official Correspondence: India, January–December 1945, p. 385

SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 1141/G.G. *30 November 1945*

My dear Cunningham,

Many thanks for your letter No. 271 of 27th November[1] about the I.N.A. trials. It was good of you to write, and I was glad to have your view. It is about as difficult a case as one could want. But we have, after considering all opinions in the last few days, decided on a policy, and a communiqué will be issued before you get this letter. No future trials will take place except where there are allegations of gross brutality against the accused. We have advisedly said nothing about the present cases, but it is intended that these will continue. Council considered the policy and approved this morning. We shall no doubt continue to suffer from distorted publicity, but I think in the long run it will be recognized that we have given the accused a fair trial and that though we have gone to the very limit of clemency, we have not entirely forgotten the 40,000 out of 60,000 of the Indian Army who were loyal to their allegiance and refused to give way to pressure and join the enemy.

2. I hope you will not think that I have failed to appreciate the strength of the arguments you put forward. I do appreciate it, but I think the policy on which we have decided is the right one.

Yours sincerely,
WAVELL

[1] No. 243.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET

INDIA OFFICE, *30 November 1945*
Received: 13 December

Thank you for your letter of the 20th November.[1] I have had several discussions with my colleagues about the proposed Statement. We have been anxious to meet your requirements by dealing adequately with the law and order question. At the same time it seemed to us that it would be a great mistake to issue a pronouncement which dealt solely with that subject and that it was important to give it a hopeful setting and do what we can to dissuade as well as to warn those who are promoting trouble. If the statement could have been made this week I should have been very ready myself to include some reference to the disturbances in Calcutta and elsewhere. But we have not been able to get it ready in time for this week and the intention now is to make it on Tuesday next. By that time the disturbances, which fortunately do not seem to have spread, will be less in the public mind and we feel that on the whole it would be better to omit any reference to them. For much the same reason we feel it necessary that the statement should begin with a reiteration of our intentions after the elections, and keep till towards the end the passage about law and order. We have also added a short paragraph about the necessity for improving the Indian standards of life. On the whole I think the result is well balanced and meets requirements here and in India as well as it is possible to do so in a single document.

2. I am glad to hear that Birla has told *The Hindustan Times* to lower its tone. It rather looks as if the richer supporters of Congress may be beginning to wonder where the caravan is going.

3. I agree entirely with what you say in paragraph 6 and that is the reason why I asked you in my last letter[2] whether you had any suggestions for meeting the dilemma which you and I so clearly envisage will arise probably quite early in the conversations after the elections. If we cannot bring pressure to bear on the Muslims to go beyond a certain point, and if the Hindus will not meet them at that point, we must, I think, be prepared to throw in a new proposal. If we do not we may be faced with a Congress ultimatum such as you have forecast and have to resist it without having made any positive move to alleviate the situation.

4. We have a meeting this week about the Indonesian situation and I circulated your telegram[3] supporting Mountbatten's request for a statement, to the

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Ministers primarily concerned. The matter has not been decided yet as we are awaiting a further military appreciation from Mountbatten. I can assure you I fully understand your point of view, and, indeed, we are conscious of the embarrassing effects of the Indonesian position in India. It has its embarrassments in other quarters too, but the difficulty is to find a way which lets us out of all this without letting the Dutch down entirely.

5. What you say in paragraph 11 about the food situation is disturbing. As you already know, there is going to be very little for distribution from Burma and Siam during what remains of 1945. We had a meeting this week to consider Mountbatten's representations for an increase in the C.F.B. allocation of rice to S.E.A.C. territories which he has represented as necessary in order to avoid starvation and further serious unrest in his area. The Americans have about 380,000 tons of home grown rice and we are making a further appeal to them (backed by a personal telegram from Bevin to Byrnes) to use some of this to relieve us of any responsibility for meeting, out of rice from S.E.A.C., the claims of U.N.R.R.A. (for China) and the Philippines. Every possible effort is also being made to maximise exports from Siam, the only source from which there is a good hope that supplies of rice will eventually flow next year in a continuous and increasing stream. Meanwhile, we have not been idle in emphasising the Government of India's very special difficulties over rice. In particular, I have pointed out that India's C.F.B. allocation (as reduced *pro rata* with other allocations to correspond with actual availabilities up to 31st December) now stands at only 74,000 tons, which is not much more than is owed to India for loans to Ceylon, etc., the repayment of which is still outstanding. It was agreed that in any approach to the C.F.B. it would be made clear that the amounts set aside for repayment of these loans were in quite a different position from the rest of the allocations and should not be tampered with even if the other allocations (except those to S.E.A.C. territories) were reduced. It was also agreed that pending further decisions by the C.F.B., S.A.C.S.E.A. should be instructed that he is to proceed with exports of rice to India (I believe that some exports may now already have taken place).

6. I am very interested that there is a possibility that Crowther will be going to India. I think this would be a very good thing and certainly will do anything I can to encourage the idea if I hear he is moving in the matter.

7. I am very favourably impressed with Nye. He has great personal charm, combined with drive and intellectual ability. I do not know whether you know him yourself but he has made a high reputation for himself in his present position. He gave us most lucid and helpful expositions of the military situation in Cabinet in Alanbrooke's absence.

[1] No. 219. [2] No. 231, para. 5. [3] Not traced.

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Sir A. Clow (Assam) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/138: f 18

No. 199 GOVERNMENT HOUSE, SHILLONG,
1 December 1945

2. The deterioration in the situation is beginning to produce unhappy effects on the services, superior and subordinate alike. If it goes on, retirements among European officers, when the bar is removed, may be more numerous than seemed likely at an earlier stage. Many of them are feeling the reaction from the strain of the war years here, and see little prospect of constructive or pleasant work. Among subordinates there is an increasing uneasiness and feeling that it might be wise to ally oneself with the winning side. In the event of another outbreak this tendency if it goes on might have serious effects on the police.

3. The difficulty is, of course, inherent in any situation where self-government is expected and would be there to some extent even if all the Congress leaders were conciliatory and everyone was more or less agreed about the future. But it is greatly enhanced by the present subversive attitude of the Congress leaders, with their open glorification of the 'martyrs' of 1942, their threats against those who then maintained order and their adulation of the I.N.A. I realize the serious difficulties that the coming elections make, but I wonder if some steps could not be taken to make it clear that until power is transferred, Government are determined to maintain their authority in full. In particular, we seem to have reached a stage when the latitude allowed to the press to break the law might be checked.

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Cabinet

Chiefs of Staff Committee. Paper C.O.S. (45) 667 (o)

L/WS/1/1008: ff 218–25

INTERNAL SITUATION IN INDIA

APPRECIATION BY COMMANDER-IN-CHIEF, DATED 24TH NOVEMBER 1945[1]

1 December 1945

Political Situation

1. Communal trouble is possible any time before during or after the elections. It seems more than likely that there may be serious communal strife between Hindus and Musalmans as a result of the elections.

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Anti-Government disorder on a large scale is unlikely until after the elections, that is before April, since this would not be in the interests of Congress. Moreover, most of the political leaders and big business men seem at present to be opposed to violent methods. It is possible that Congress may excite popular feeling over some issue such as that of the I.N.A. to such an extent that they may lose control. On the other hand, their most recent utterances might be held to show that they realise this danger. Congress methods may, however, force Government to take action, such as the arrest of leaders, which might precipitate widespread disorder. In either event it is doubtful if Congress preparations to stage effective widespread disturbance are sufficiently advanced at present though they will undoubtedly steadily improve as time goes on, if the present violent agitation continues.

After elections Congress may take part in the constitution making assembly which would give a breathing space of unpredictable length, or they may demand transference of power and proceed to direct action if refused. If Congress intend to take direct action in any event we must assume that they will between now and April perfect plans for widespread simultaneous anti-Government action.

2. It is a reasonable assumption, therefore, that widespread trouble either communal or anti-government or both is to be expected in the late Spring and may occur before then, but if so will be less organised, and therefore less serious.

Scale of Disturbances

3. The following factors must be taken into account in assessing the scale and form of widespread and organised disturbance.

(a) Congress will have learned from the 1942 disturbances how easily rail, road and telephone communications can be disrupted and the paralysing effect of such disruption, particularly on the rapid reinforcement of civil forces in outlying areas; they will also have realised the error they made in not stirring up the rural population simultaneously with their attacks on communications.

(b) There are now large quantities of unlicensed arms throughout India and there will be many ex I.N.A. men to use them, if they feel so inclined. There will also be a considerable number of ordinary demobilized soldiers in towns and villages, many of whom may be persuaded to support Congress. All these men are trained in the use of weapons, and members of the I.N.A. have some training in the technique of anti-British leadership.

[1] See No. 212.

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4. It can be concluded, therefore, that if and when trouble comes it may be on a greater scale than in August 1942, and is likely to be a combination of the wrecking of communications and widespread disorder in the rural districts. Also there will be more arms and more men trained in their use at the disposal of the forces of disorder, and the disruption of communications is likely to be designed to isolate and gain control of large tracts. The principal danger areas are likely to lie in the United Provinces, Bihar and Bengal, but trouble must also be expected in the Punjab, the Central Provinces and Bombay, but is less likely perhaps in Madras.

Effect of Political Situation on the Armed Forces

5. At the moment the Indian Armed Forces are capable of dealing with either communal or anti-Government disturbances and failures on their part to perform their duty would probably be few and isolated.

6. It is difficult to assess what the state of the Armed Forces will be in April. The following factors must be taken into account in assessing the state of the Indian Armed Forces, other than Gurkha units, which are dealt with separately:—

(a) The Congress I.N.A. campaign has undoubtedly taken a strong hold of the country as a whole and must have an unsettling effect on the Armed Forces generally and make them receptive to Congress doctrine.

(b) Congress may intensify the present campaign against the use of Indian troops in N.E.I. and F.I.C. and thus attempt to suborn the Army. This campaign might in the long run have even more dangerous effects than the I.N.A. campaign as it will be based on the accusation that the troops are mere mercenaries.

(c) The general failure in the Armed Forces to understand the inaction on the part of Government against agitators and their doubts as to what might happen under a Congress Government to those now serving.

(d) As is to be expected, most Indian officers are Nationalists and may, therefore, be over persuaded by Congress propaganda. A large number of British officers whom the rank and file know and respect are likely to be demobilised in the next few months and will be replaced by young and inexperienced officers unknown to the men.

(e) The release into recruiting areas of large numbers of potentially disaffected men from the I.N.A. with its possible contaminating effect on individual service men through their families, and on the armed forces as a whole through new recruits, or men returning from leave.

(f) The great expansion of the armed forces which has resulted in the creation of a large number of technical and administrative units containing a big proportion of politically conscious and better educated men, and the existence throughout the Army of a great many war

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promoted and inexperienced V.C.Os and N.C.Os. These conditions make it more difficult either to discover attempts at political subversion or to take steps to counter them.

(g) The possibility of communal strife occurring within the Armed Forces as a result of political propaganda.

Gurkhas

7. Gurkhas must be considered separately. Although some joined the I.N.A. most of the factors enumerated in the preceding paragraph are not applicable in their case, particularly (a) (b) (d) (e) (f) and (g), except insofar as the shortage of British E.C.Os may effect their efficiency. Congress may achieve some success under (a) but (c) is important. Lack of action by Government is almost as important in respect of Gurkhas as it is with any other class, but is likely to affect their efficiency more than their reliability. It is, however, most undesirable that we should differentiate between Gurkhas and other troops of the Indian Army, so far as their supposed reliability for internal defence is concerned, unless and until Indian troops have openly failed in their allegiance.

Conclusion on State of Armed Forces

8. Most of the factors in para. 6 have been in operation for a short time only, or have not yet begun to operate. It is difficult, therefore, to forecast what effect they may have by next Spring. It is, however, clear that although the morale of the Armed Forces does not appear to be greatly affected yet, the factors mentioned in paragraph 6 are likely steadily to undermine it, while simultaneously Congress preparedness and efficiency will increase. These processes could produce a very difficult situation by the Spring. That we are alive to the danger is some safeguard, but I consider that there must be doubt as to the continued loyalty of the Armed Forces unless Government produce a strong and unequivocal statement of policy comprehensible by the rank and file. If Government do produce such a statement it is probable that the great majority of the Armed Forces will remain reliable and prepared to do their duty in aid of the civil power.

Possible Military Commitments

9. (a) The essential military commitments are:—

(i) Security of INDIA against external attack.

(ii) Maintenance of order in the tribal areas of the N.W.F. Province and Baluchistan.

(iii) Maintenance of INDIA as a base for S.E.A.C.

(iv) Maintenance of vital military communications and installations.

(v) Protection of the lives of Europeans and Indians likely to become the victims of mob violence.

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(b) As regards (i) above, the only likely external threat in the immediate future is from Afghanistan, and this might well eventuate as a result of widespread disorder in India and particularly in the North West Frontier Province. Afghan aggression would entail the reinforcement of the Frontier Defence troops thus seriously weakening the forces available to deal with internal disorder.

(c) As regards (ii) above, Government is pursuing a policy designed to ensure the peacefulness of the N.W. Frontier, but if, as is possible, there was a major Frontier rising, at least one extra division would have to be allotted to the Frontier Defence Troops as well as more aircraft.

(d) As regards (iii) above, the possibility of concentrating the bulk of the maintenance reserves for S.E.A.C. close behind the East coast ports is being examined. If this is done, it will reduce but not eliminate the rail movement necessary to discharge our responsibility for maintenance of S.E.A.C. Full discharge of this responsibility will still be dependent upon the security of rail communications throughout the length and breadth of India.

(e) As regards (iv) above, plans are being co-ordinated at all levels for the defence of Naval/Army/Air Force vital points and the maintenance of vital communications. These plans aim at ensuring that essential services of all kinds are concentrated in firm defended bases; that adequate arrangements, based on the use of wireless and air transport, are made to meet the possible dislocation of civil communications services; that reserves are so sited in relation to likely centres of disorder and protected airfields that they can move rapidly as and when required.

(f) As regards (v) above, it may be necessary to arrange for the rapid concentration of European and Indian civilians requiring protection in defended areas, which will probably be based on the main protected airfields. It is not however to be expected that all such persons can be concentrated and afforded adequate protection.

Forces available to meet possible military commitments.

10. (a) The naval forces in the East Indies Station, if placed at my disposal, would constitute a mobile reserve for the reinforcement of defended ports and a valuable alternative means of transporting troops to threatened areas.

(b) The available offensive air forces, including those at present under command of B.A.F.S.E.A., should suffice to meet any threat from Afghanistan as well as to deal with tribal outbreaks on the North West Frontier, and to provide support for troops employed in

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restoring internal order. It is, however, very desirable, in view of the gradual reduction of air forces in India, that I should have a call at short notice on at least two R.A.F. fighter squadrons from A.C.S.E.A. or the Middle East.

(c) The maximum air transportation resources now available in B.A.F.S.E.A. for use in emergency are:—

	Under Command B.A.F.S.E.A.	*Allotted to Air Trooping*	*Total*
Liberators	30	20	50
Dakotas	20	135	155
			205

but these numbers are liable to fluctuate. Taking into account the demands there are likely to be from all over India for transport aircraft for the movement of reserves, evacuation and concentration of threatened civilians, transportation of food, ammunition, stores and P.O.L., and the clearing of casualties, it is necessary that all transport aircraft that may be in India when widespread trouble starts should be immediately placed at my disposal.

Assuming that the number of transport aircraft in India does not fall below the figure given above, I estimate that I should require not less than five additional transport squadrons to deal with major widespread disturbances.

(d) *Land Forces – British*

There are sufficient British units in India to provide an adequate leaven of British troops in dealing with any internal trouble provided the Indian forces remain reliable. I consider, however, that it is necessary to retain in India two armoured regiments and certain troops of 2 Division, including artillery, which were destined for South East Asia Command.

(e) *Land Forces – Indian*

Taking into account the return of 10 Ind. Div. to India, there should be by next Spring sufficient troops in India to deal with widespread internal trouble provided the reliability of the Indian Army is not affected. The return of 10 Ind. Div. will NOT however release any troops for use outside INDIA.

CONCLUSIONS

11. We must be prepared to deal with well organised revolution next Spring, and the possibility of a serious, but less well organised rising at any time during

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the coming winter. We must also be ready to deal with widespread and bitter inter-communal strife which might put a severe strain on the reliability of the Indian Armed Forces should they be called on to act against their own co-religionists.

12. The reliability and spirit of the Indian Forces including the police will best be secured by a firm and explicit declaration by His Majesty's Government to the effect that, while they maintain their intention to grant self-government to India by constitutional methods:—

(i) any armed insurrection will be put down, by force if necessary and the leaders punished.
(ii) Government servants will be supported to the full.
(iii) the police and troops acting in the execution of their duty will be protected at the time and thereafter.

It is realised that (iii) is open to the criticism that, in view of the declared intention of His Majesty's Government to grant self-government to India, the promise of protection cannot be guaranteed. But if the present situation develops into a general armed rebellion which has to be suppressed by force, the chances of Congress extremists gaining political power in India will inevitably be postponed for a number of years.

13. In the absence of a firm declaration the loyalty of the Indian Forces is likely progressively to deteriorate as time passes and Congress and other bodies intensify their anti-British campaign.

14. Provided the Indian Forces, including the police, remain loyal, India has sufficient British and Indian Forces available to deal with widespread internal disturbance unless this coincides with Afghan aggression or a major rising of the tribes of the North West Frontier.

15. Transport aircraft now available will not suffice in an extreme emergency.

16. If the Indian Forces as a whole cease to be reliable, the British Armed Forces now available are not likely to be able to control the internal situation or to protect essential communications, nor would any piecemeal reinforcement of these forces be of much avail. To regain control of the situation and to restore essential communications within the country, nothing short of an organised campaign for the reconquest of India is likely to suffice. It is not possible now to compute the air and land forces required for such a campaign, but they would inevitably be very large as, if the Indian Armed Forces are not prepared to support Government, they will almost inevitably actively oppose it. Further, such active opposition is not likely to be confined to India alone. Disaffection will inevitably spread to Indian troops now being employed by His Majesty's Government in overseas theatres such as Burma, Malaya,

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Java and the Middle East with serious repercussions on the attitude of the peoples of those countries. Afghanistan also may well throw in her lot with the Frontier tribes and the Mussalmans of North Western India.

17. The situation in India is, therefore, extremely delicate. If there is a widespread revolt against the Government everything will depend upon the reliability of the Indian Armed Forces. This depends upon political more than upon military factors and it is essential that our political action both in India and in the neighbouring countries where Indian troops are employed, should in no way give opportunities for political agitation to subvert the loyalty to Government of the Indian Armed Forces.

Our action in Java and French Indo-China is already being represented as European repression of national risings of Eastern peoples. If this is made a major political issue as is likely, it may have a serious effect upon the loyalty of the Indian Armed Forces. It is certainly very undesirable that any further Indian troops should be sent to these or other similar countries.

The reliability of the Indian Armed Forces is also likely to deteriorate if Government shows any lack of confidence in them. While, therefore, the despatch of further British troops to India may at first sight appear attractive, I consider that reinforcement in small numbers is likely to be ineffective in the event of widespread revolt whilst the despatch now to India of large British formations may do more harm than good in that it would show lack of confidence in the Indian Armed Forces and might well precipitate a crisis which we must do everything to avoid. For the moment the most important thing is to maintain at adequate strength the cadre of experienced British officers in Indian units. The number of such officers is already being steadily reduced by repatriation and release.

Should the situation so deteriorate that we cannot rely upon the Indian Armed Forces, I may have to ask His Majesty's Government to send to India as many British formations as can be made available. In these circumstances very early despatch would be essential, as, to be effective, these reinforcements would have to arrive before the forces of violence gain control.

I request, therefore, that plans may be prepared for the despatch to India of such British Formations as could be made available in the event of a serious emergency, and that I may be informed of the possible strength of these reinforcements and of the approximate period which would elapse between the request for their despatch and their arrival in Indian ports.

It is essential that any preparations or actual moves in this connection should be made under the guise of a plan to replace Indian Formations in the South East Asian Command by British Formations, using India as a staging base in order to complete their organisation and equipment. Too much importance cannot be paid to this aspect of the situation as it is absolutely essential to do

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or say nothing which might aggravate the present extremely delicate situation, and I trust that this will be firmly impressed on all authorities concerned, both military and civilian.[2]

[2] A map showing dangerous and potentially dangerous areas was apparently circulated with this appreciation. L/WS/1/1008: ff 216, 212.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/P&S/13/1827: ff 358–61

No. 681/2 THE VICEROY'S HOUSE, NEW DELHI,
1 December 1945

My dear Pethick-Lawrence,

You will remember that when I received the delegation of Princes on the 17th September[1] I agreed to consider the suggestion that an assurance should be given both in Parliament and in my opening speech at the Chamber of Princes that the relations of the Indian States would not be transferred without the Rulers' consent. I assumed that consent would not be unreasonably withheld and explained that the exact terms of such an assurance would require careful consideration.

Your secret letter of the 7th November 1945[2] makes it clear that the India Committee do not consider the time ripe for any formal statement, and suggests that meanwhile some sort of informal conversations should be held in India with a view to preparing the ground for a future statement.

I fear that such informal conversations would be most unsettling. The 'brief' could hardly be prepared without some indication of policy, and we do not yet seem to be agreed regarding policy.

I think the best plan would be for me to refer to the question in my opening speech to the Chamber in the terms of the draft which I enclose. This would give Residents the necessary lead in their conversations with Rulers and Dewans, and would prepare the ground for any formal statement which might be considered advisable later.

Perhaps you would also consider inspiring a question in the House, to which a reply could be given in similar terms to the enclosure, after the speech has been delivered. This would I think meet the requirements of the situation for the time being.

As regards the terms of the enclosure, I would deprecate at this stage giving any indication that the guarantees of the past will be withdrawn; such an indication would prejudice the position of State representatives during forthcoming discussions and might weaken their influence towards cutting across

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communal differences and assisting in an agreed settlement. The enclosure makes it sufficiently clear that the States must join the discussions, must be prepared to negotiate and must be reasonable. In the last resort it will be for the Paramount Power to decide whether the constitution, which emerges from the constitution making body, contains reasonable proposals: and in my view it would not be fair, until that stage has been reached, to suggest that refusal will be followed by a withdrawal of past guarantees. It must be remembered that as recently as 1942 the States were assured that their non-adherence to a Union would be protected by force if necessary. I am unable to envisage how this can be done, unless British India itself proves unreasonable and has to be controlled; but for the present I suggest it would be impolitic to go further than to advocate the right attitude without weakening the States' bargaining position during forthcoming negotiations.

Yours sincerely,
WAVELL

Enclosure to No. 257

Draft paragraphs for speech by His Excellency the Viceroy to the Chamber of Princes.

* * * *

I pass to a subject to which I know well Your Highnesses all attach the greatest importance—that of your relationship with the Crown and the rights guaranteed by your treaties and engagements. I can assure you that there is no intention to make any unilateral change in this relationship or these rights, and that any such change will require your consent. I am confident that Your Highnesses will through your accredited representatives take your full share in the preliminary discussions, which were announced in my broadcast of the 19th September,[3] as well as in the contemplated constitution making body, and that your consent to any changes which emerge as a result of these negotiations will not unreasonably be withheld. I am also confident that in your approach to these problems you will have no intention or desire to stand in the way of the growth of India to its full stature or to hinder the political, economic or social progress and advancement of your subjects.

I have already paid tribute to the splendid support afforded to the Crown by the States during the war. Not less distinguished has been the record of some States in the arts of peace and of civil government in accord with their indigenous requirements. In no part of India is administration more efficient, are industries better organised and the welfare of the people better secured than in some of the States. That such a claim cannot be made on behalf of all States, Your Highnesses will doubtless not contest: that it cannot be made on behalf of the small States is largely due to the fact that their resources are insufficient to

[1] See Nos. 121, para. 5 and 127, para. 11. [2] No. 197. [3] No. 116.

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meet the cost of a modern administration. Although inadequate finance is a mis-fortune for which, in itself, the Darbars concerned are not responsible it is, I suggest, incumbent upon them now so to modify the constitutional position of their States as will ensure the welfare of their subjects for the future. To achieve this it seems to me three conditions are necessary. Every State should possess political stability, adequate financial resources and effective association of the people with the administration. If a State cannot fulfil these conditions, I strongly urge that it should arrange to do so either by joining a larger unit or by combining with other small States to form a political entity of a sufficient size. I am convinced that only by this means will the small States be able to keep abreast of the progress which is being attained in other parts of India, and it is for this reason that I have expressed the hope that they will not withhold their consent to such modifications of their relations with the Crown as present circumstances and future requirements demand, in the hope that, by so doing, they may be able to perpetuate an economy which is out of date.

Although these suggestions primarily concern the small States they are, I believe, of indirect importance to all Your Highnesses. For the Rulers of the States constitute an Order and the success with which the small States solve their particular problems cannot but affect the stability of the whole.

* * * *

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Governor-General (War Department) to Secretary of State

Telegram, L/PO/10/25

IMPORTANT NEW DELHI, *1 December 1945, 1.15 pm*
Received: 2 December, 6 am

No. 13860. Our telegram No. 13814, November 30th.[1] Following is the text of press communiqué put out last night and published this morning:—

Begins. Since there is clearly much misconception regarding the policy that has been adopted towards the officers and men of the Indian Army who joined the so-called I.N.A., it will be useful to summarise the intentions of Government and the various communiqués which have appeared. It will be appreciated that fresh evidence comes to light almost daily, and it is therefore now possible to give more information than when the communiqué of 27th August was issued.

Of the 60,000 men of the Indian Army who were taken prisoner, some 40,000 stood firm to their oath of allegiance, resisting throughout the period of their captivity the propaganda to which they were subjected and in some cases also facing starvation and torture, thus setting an example of soldierly

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qualities and steadfastness in endurance worthy of the highest praise. There were, however, 20,000 who joined the I.N.A. Of these rather more than 5,000 have yet to reach India while less than 1,000 are still untraced. Of the 14,000 in India, some 2,500 have been exonerated of having intended at any time to aid the enemy and will rejoin their units in the same way as other prisoners of war.

Of the remaining 11,500 some 6,000 are men who are believed to have joined the I.N.A. because they were persuaded either by enemy propaganda or by threats or torture that it was in their best interest to do so. In dealing with these men, the Government of India took into account the conditions in which they found themselves, at a time when it appeared that the enemy's arms were successful on all fronts, and when they had no access to any news, except enemy propaganda. In spite of the serious nature of their offence, which in ordinary circumstances is punishable by death under the laws of all countries, the Government of India decided from the beginning to treat these men with clemency and generosity, and this was announced on August 27th. Throughout the time that they were in arms against the forces of the Allies, their families continued to be in receipt of their family allotments as though no change had taken place in their status as ordinary prisoners of war of the Japanese; and these allotments are not to be forfeited. They will also be given pay from the date of their recovery from enemy hands and 42 days' leave with pay in order to enable them to settle down in their villages or to find employment. They are being released as fast as Court of Enquiry can settle their cases.

There remain some 5,500. Of these, the examination of some 1,700 is still in an early stage, while 3,800 are believed to have gone over to the enemy with the clear intention of helping the Japanese in an invasion of India, which would, if successful, have led to her subjugation by the Japanese. Many of them were captured with arms in their hands against their fellow countrymen, whose lives they were endeavouring to take. Nevertheless it is believed that although they were fully aware of what they were doing, a large number (though by no means all) were genuinely misled and had no realisation of the bloodshed and misery that would have resulted to their fellow countrymen from a Japanese conquest of India. The Government of India therefore decided from the beginning to extend clemency to the great majority of this category also. Such men will be dismissed from the army and will forfeit their pay, but their families will keep the allotments paid in full while they were supposed to be prisoners of war and no further action will be taken against them.

There is evidence, however, that of these men a small number have committed acts of gross brutality, resulting in some cases in death, upon their fellow countrymen who were prisoners of war or members of the I.N.A. Crimes of this nature are abhorrent to all civilised peoples, and it would be

[1] No. 252.

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wrong for Government to refrain from bringing to trial men against whom there is *prima facie* evidence that they have committed such offences. Trial by court-martial of such persons, and of no others, will therefore take place, and Government are confident that public opinion will support them in this decision.

In reviewing any sentences which may be passed by Courts-Martial, whether in the present or any future trials, the competent authorities will have regard to the extent to which the acts proved offend against the canons of civilised behaviour.

In order to relieve the anxiety of the men and their relatives and friends, decisions not to bring to trial will be intimated as soon as they are reached and the men concerned will be given facilities to communicate with their relations. The names of persons whom it is intended to bring to trial will be published as soon as the decisions are reached.

The Government of India wish to take this opportunity of pointing out that they have refrained from publishing in advance the allegations made against the accused because such allegations might have prejudiced the accused in their defence. All possible steps have been and will continue to be taken to afford every facility to the defence and to ensure a fair trial. They would also point out that in no case is the finding of a court of justice a foregone conclusion. They would therefore urge persons of all shades of opinion to refrain from forming conclusions until the facts of each case have been brought in evidence in the course of the trial, and until the court has reached its findings.

Until all investigations are complete, it is not possible to state the number who will be brought to trial but the total is unlikely to be as many as fifty and may be as few as twenty: and, as explained above, trials will be limited to those against whom brutality is alleged.[2] *Ends.*

[2] This tel. and No. 252 were circulated to the India and Burma Committee under cover of Paper I.B. (45) 22 of 6 December 1945. L/WS/1/1577.

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Mr Casey (Bengal) to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: f 285

IMPORTANT CALCUTTA, *2 December 1945, 12.45 pm*
Received at India Office: 2 December, 7.20 pm

No. 422. M. K. Gandhi arrived in Calcutta yesterday (Saturday) and came and saw me last evening and stayed one and a half hours. He appears in good health and spirits. After the usual polite preliminaries he said he would like to talk about the All-India position. I said that I had no mandate to speak on

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All-India (? politics)s and that I spoke only for myself and that nothing that I said had been prompted by the Viceroy or anyone else.

I told him that there were many things that I did not understand in India and foremost amongst them was the attitude of Nehru and other Congressmen in public speeches in the last 3 months which seemed designed to promote racial hatred and to create the worst possible atmosphere for post election constitutional discussions even if they did not (? promote) popular uprising before that. I said that basic cause of recent Calcutta disturbance was the inciting of loyal students' minds by these inflammatory speeches. This prompted Gandhi to tell me that Congress was "utterly distrustful" of British promises. He went on to tell me a considerable part of his life history starting with Boer War when he was a stretcher bearer with the British and how the British pledge to redress the Indian disabilities in South Africa was allegedly broken when war was won. A little later he said that a few months ago, just when politicians might have approached Governor of Bihar for formation of a Ministry again, the Governor had dissolved Assembly and so made it impossible.

He then went back to Simla Conference regarding (? which his) grievance was that Viceroy did not proceed with re-constitution of (? electorate) [? Executive Council] (? without) Moslem league. Inference was that this was another example of British perfidy and that this was reason for tone of speeches of Nehru etc. in recent months. I queried this to make sure that I understand [*sic*] him correctly and he made it quite clear that he meant that all recent violent Congress speeches were outcome of failure at Simla.

I said that this hardly seemed logical as Viceroy was attempting at Simla to get an agreed solution and he had announced this before Simla. I said that I knew beyond any doubt that His Majesty's Government and Viceroy were genuine and sincere in their determination that India should have self-government as quickly as was possible. He said quite politely but firmly that Congress had no such conviction. I said I was very grieved to hear him say this but that, even given this Congress attitude, I could not understand the present campaign of vilification and hate which must make the next attempt much more difficult vis-à-vis ourselves and Moslems and was likely to embitter our future relations. On this he confined himself to saying that he had no doubt that our future long term relations would be good.

He gave me a long description of Nehru for whom he expresses the greatest regard although he implied that he was not quite so imbued with non-violence as he was himself.

He said that he himself had "sealed his lips" since Simla although he was now in course of considering whether or not he should not make a statement.

I got the impression of Gandhi as a man who could quite easily be worked upon by his politically much more astute colleagues. His political reasoning lacked realism and balance. However there was no sign of senility.

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He carefully avoided making any inference as to Viceroy's (? sincerity) or that of the Secretary of State. The charges of insincerity were rather carefully directed against a vague entity called "the British".

He spoke with regard for Lord Pethick-Lawrence and for Lady Pethick-Lawrence, both of whom he knew.

As soon as possible of (sic) (? In the course of) his talk he said that he was not going to court imprisonment again but would take it if it came.

He said that he would like to come to see me again, as he wanted to speak about many other matters.

Repeated to Secretary of State for India.

260

Mr Casey (Bengal) to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: f 283

CALCUTTA, *3 December 1945, 2 pm*
Received at India Office: 3 December, 11.10 pm

423. In continuation of my telegram 422 dated December 2nd.[1] M. K. Gandhi called on me again yesterday, December 2nd. He asked me about political prisoner position in Bengal, and I told him that we had released over 1,000 since July 1st; and now had only 288 detained who were all important members of terrorist organisations. He said he would like to have further discussion on this and on recent disturbances in Calcutta.

He then asked if I had any reactions to our conversation the previous day. I said that he had left me with the impression that the Congress believed "perfidious Albion" was a true bill; with which I ventured to disagree, but that the important and unfortunate thing, from his point of view, was that he appeared to believe it was so. I said that I believed that what was standing in the way of self-government for India as a whole was not "the British" but the Moslem League, who were suffering from "Hinduphobia" and who showed the most determined unwillingness to (? subscribe to) an All-India government which would inevitably be Hindu-dominated. The Congress knowingly (? or, omitted) unknowingly had transmuted the situation and were slanging the umpire instead of their opponent. The British were being blamed because, quite independently of us, the Moslem League would have nothing to do with Congress. I asked if it would not be more fruitful if, instead of embittering relations with us, he were to make public announcement of a substantial list of safeguards for Moslems that Congress would be glad to see in a future All-India constitution, and so blunt the edge of Moslem suspicion. I said I

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believed that by no means all Moslems wanted Pakistan but that they all wanted concrete evidence of a fair deal for the future. He proceeded to explain that problem of safeguards for Moslems had a long history and that, at one time or another, he had agreed to a very long list of constitutional safeguards for Moslems. The gist of what he said at considerable length on this point was that he believed that he (and he identified himself with Congress in this) had gone to absolute limit in concessions to Moslem League and he could not see that any good could possibly come of any recapitulation, public or private, by himself of all concessions and safeguards to which he had agreed at various times. He said that he would send me a list of such points which I would be at liberty to pass to Viceroy or Secretary of State and that he would have no objection to *our* making them public if we wished. I said that whereas Jinnah (and possibly (? some) few of his close associates) might be aware of such a list of safeguards, I felt sure that Moslems of Bengal were ignorant of them, as I had had many conversations with them on this subject and that they had professed themselves ignorant of any safeguards of substance that had been agreed upon or even formulated by either side. He said he found it hard to believe that they were not aware of them.

He said that he believed that, as he had conceded safeguard after safeguard, Jinnah had constantly raised his price until he had reached logical end point of any list of safeguards in shape of Pakistan and he did not believe that anything less would satisfy him. For this reason he was against *his* making any public statement of safeguard[s] that he had conceded. He said that he had in effect conceded even essence of Pakistan.

He said that he believed Jinnah to be a very ambitious man and that he had visions of linking up the Moslems of India with the Moslems in the Middle East and elsewhere and that he did not believe that he could be ridden off his dreams.

I then said that against background that he had sketched I found it all the more difficult to believe that Congress were fair or right in blaming us for the present situation and that I would personally be interested to know if there was anything that he had to suggest that we might do. This evidently caught him a bit on the hop as he hesitated and then said that he would write and tell me. We had then been talking for well over an hour and my wife came in and we talked "women in Bengal", civil Red Cross etc. He says he wants to come to see me again today.

Repeated to Secretary of State for India.

[1] No. 259.

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261

Sir S. Cripps to Lord Pethick-Lawrence

L/PO/6/102c: ff 160, 158

BOARD OF TRADE, MILLBANK, S.W.1, *3 December 1945*

My Dear Pethick,

This rather long document written by a man[1] who has a long and intimate acquaintance with India and who has been serving out there as an officer during the war is I think extremely interesting. I don't agree with every word of it but there is a great deal in it and his ultimate suggestion is so close to that put forward by the Foreign Secretary[2] that it is interesting to see the argumentation behind it. I hope you will read it and then let me have it back with any observations that occur to you.

Yours,

STAFFORD

Annex to No. 261

Unsigned Summary[3] of Major Short's Memorandum

Sir D. Monteath,

This long memorandum which Sir Stafford Cripps has sent to the Secretary of State opens with a long discussion, the theme of which is that there have been two types of British administrators in India. The one type which are called by the author "Ministers Resident" have as their prototypes Warren Hastings and Henry Lawrence. The other, who are called "Imperial Administrators" are exemplified by Lord Curzon and Dalhousie. The salient difference between the two types is that the first regarded Indians with sympathy and respect and the second fundamentally regard them as an inferior people whose affairs must be managed for them from above. The Lord Wavell is regarded as a Minister Resident, but apparently everybody else, with one or two exceptions, is thought to fall into the Imperial Administrator type. On page 18 onwards, the author turns to his positive proposal, which is that a "Kindergarten" of the type which went to South Africa under Lord Milner, should be sent to India. The ostensible purpose of this body would be to consider the terms of a treaty between Britain and India. The concealed purpose would be to send a body of "Ministers Resident" on a missionary journey round India to create the right atmosphere. The proposal is that the Ministers Resident should be directly responsible to the Prime Minister or his deputy, or alternatively be under the Foreign Secretary. In India they would be under the Viceroy personally though in one place this is referred to as being a temporary arrangement until a High Commissioner is appointed.

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Lord Pethick-Lawrence in the Secretary of State's room, India Office, 1945.

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Members of the I.N.A. Defence Committee leaving the Red Fort, Delhi at the start of the first I.N.A. trial. Left to right: Dr K. N. Katju, Sir Tej Bahadur Sapru and Pandit Nehru.

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Gandhi on his day of silence, 3 December 1945, with Mr Casey at Government House, Calcutta. See document 264.

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The Parliamentary Delegation in Mr M. A. Jinnah's garden, 10 January 1946. Left to right: Brigadier A. R. W. Low, Mr Godfrey Nicholson, Mr Arthur Bottomley, Lord Munster, Professor R. Richards, Mr Jinnah, Mr R. Hopkin Morris, Mr Reginald Sorensen, Major Woodrow Wyatt, Lord Chorley of Kendal and Mrs Muriel E. Nichol.

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As regards personnel, the author refers to three leaders for the Kindergarten, who, though they are not named, clearly include Mr. Penderel Moon and Mr. Symonds of the F.A.U. I cannot identify the third, who is described (page 16) as having "experience in international affairs, commands considerable confidence among a coterie of Indian leaders and has gained that confidence from some two years as head of a Federal Department in Delhi". This might be a description of Mr. H. V. Hodson, who is in the bunch of people at Chatham House which include Mr. Penderel Moon, who have been considering the treaty problem.

You will see that Sir S. Cripps says that this idea is more or less the same as one put forward by the Foreign Secretary, I suppose in the India Committee or in private conversation. The Secretary of State is proposing to see the group of people concerned and is probably having a talk with Sir S. Cripps this weekend.

Whatever the merits of the missionary idea I should not have thought myself that the treaty-making proposition was a very good cover. The treaty will be a highly technical affair in most of its aspects. Its broad outline is pretty clear, and much will depend on the nature of the constitution, particularly whether there are one or two Indias and to what extent the States come in. The only respect in which, so far as I can judge, it would be profitable to discuss its terms with Indians at this stage is on the minority question, and that might not be very opportune until the Pakistan issue is decided.

[1] Major J. McL. Short. See No. 262.

[2] This may refer to Mr Bevin's suggestion in sub. para. (e) of the Cabinet Conclusions of 27 November (No. 244) 'to give the Viceroy the help of new political advisers who could devote themselves wholly to the promotion of this policy [of giving India self-government within a measurable time], unhampered by the details of day-to-day administration'.

[3] It would appear that this summary was prepared by Mr Turnbull.

262

Sir S. Cripps to Lord Pethick-Lawrence

L/PO/6/102c: f 159

PERSONAL BOARD OF TRADE, MILLBANK, S.W.I, *Undated*

My dear Pethick,

I think you should see this letter[1] from Major Short, the author of the paper[2] I sent you.

It is really the Foreign Secretary's idea and perhaps you would let me have the letter back when you have read it.

[1] No copy of Major Short's letter is on L/PO/6/102c.

[2] See Annex to No. 261 for a summary of this paper.

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I would like you to meet this group of people. They have a long & intimate experience of India—the real India.

Yours,
STAFFORD

263

Sir G. Schuster to Lord Pethick-Lawrence

L/PO/6/102c: ff 11–12

PRIVATE AND PERSONAL
No. 22/02/7.

MIDLAND HOTEL, MANCHESTER,
4 December 1945

Dear Pethick,

I feel sure that you like to get bearings on the Indian situation from all angles and I am therefore venturing to send you a copy of a letter just received from my young friend Guy Wint. He is a shrewd observer and I am the more ready to send his letter on because the actual proposal which he makes is on the lines which I myself have consistently advocated in the last three years in my speeches in the House of Commons.

It is not perhaps quite fair for me to pass this on as a letter from Wint; but I know that my confidence is safe in your hands.[1]

Yours sincerely,
GEORGE SCHUSTER

I am still entangled in Cotton!

Enclosure to No. 263

Mr Wint to Sir G. Schuster

22 AURANGZEB ROAD, NEW DELHI, *15 November 1945*

Dear Schuster,

Alarm has set in in Delhi. You will have seen this from last Sunday's despatch in the *Observer*.

It is based on Congress speeches, especially Nehru's speeches. People begin to feel that Congress is going again the way of 1942. The alarm is a little naive. High quarters, thinking that djinns had their rights, let the djinn out of its bottle, and are now astonished that it acts like a djinn.

To restore its position and to fight the election, Congress is bound to appeal to all violent feeling in the country; and the I.N.A. trials, not too brightly handled by the Government, have presented it with the perfect cause it requires —a non-communal cause. The Java disaster helps it also, especially because we are represented as using Indian troops in an invidious role. The danger is that

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Congress may generate an atmosphere in which it would find it hard to follow, in its post-election acts, a moderate policy, however much it is to its advantage to do so. It is raising the demons which may later possess it, and plunge it like the Gadarene swine to catastrophe.

I do not think there will be trouble before the election for that would be against Congress interests. In the last few days the tension has already lessened. Birla is using his influence to damp down extremism. The only danger at present is a spontaneous combustion of communal disturbance. But after the elections Congress may be in a 1789 mood—drama, ultimatum, revolution. This might of course lead to a speedier settlement, but I doubt it.

There are various chances. Congress might refuse to take office in the provinces except on unacceptable terms. Or it might come into a provisional central government, act reasonably until the summoning of the constitution-making body, then, if there is deadlock with the Moslems, demand that H.M.G. should by-pass them—and, if H.M.G. does not do so, launch civil disobedience.

It is hard to see how to avoid a crisis. For in 1946 certain decisions must be made. A constitution making body can make no progress until it decides for or against Pakistan. As long as it decides neither way the situation is deadlocked, and Congress is likely to try to force H.M.G. to end the deadlock in its favour by the threat of civil disobedience.

The best way to forestall disturbance—the only way I see—is to blanket it by engaging the political leaders from now on in interesting negotiation about the future which they would prefer to continue rather than to stake all on another throw, as likely as not ending in another deadlock.[2]

The talks would need to be conducted secretly and informally and it would be unreasonable to expect the Viceroy or his staff to conduct them. They are the head of Indian administration. Can you therefore press for the very early appointment of a constitutional adviser, or of the British High Commissioner, politically minded, and experienced, with a small, competent staff—not of the civil service here—able to run round the country and discuss?[3]

Remember that the settlement in South Africa was thought up, chiefly by the British, not the South Africans, and by a mission not dissimilar to that described above.

There is not much time to lose; and the effort is worth making because, except in politics, British-Indian rapprochement is making very hopeful progress.

[1] On 8 December 1945, Lord Pethick-Lawrence thanked Sir G. Schuster for sending him Mr Wint's 'interesting and suggestive' letter. L/PO/6/102c: f 8.

[2] Mr Patrick minuted with respect to this para.: 'There is force in this except that the leaders will be preoccupied with elections.' *Ibid.*: f 14.

[3] Sir D. Monteath minuted: 'Unfortunately these things cannot be laid on at a moment's notice.' *Ibid.*

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To recapitulate the procedure would be secret negotiation with leaders; and the preparation of a British plan to be put forward in the event of a deadlock in an eventual constituent assembly. As long as we are taking the initiative, we can probably ward off a civil disobedience movement. Assuming that the League does as well in the elections as at present seems likely, a British plan would probably best provide for a modified form of Pakistan.

On the Congress side, leadership is now in the hands of Patel and Gandhi. These, not Nehru, are the people to square.[4]

Yours
(Sgd) GUY WINT.

PS. There seems to be some delusion about Congress Socialists. These are the real political thugs in Congress. They are Socialists only in the same way that German National Socialists were socialist.

I leave Delhi to-day.

[4] Mr Patrick, who was shown a copy of this letter but was not told who had written it, minuted on 13 December: 'This seems to be from Mr Guy Wint. I suspect he has written in a similar way to Sir S. Cripps since the latter has talked to Mr Symonds about the need for a Milner and a "kindergarten" in India. Who is cast for the rôle?' *Ibid.*: f 13.

264

Mr Casey (Bengal) to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: f 282

IMMEDIATE CALCUTTA, *4 December 1945, 12.20 pm*
Received at India Office: 4 December, 1.30 pm

426. In continuation of our telegram 423 of December 3rd.[1]

Gandhi came to see me again yesterday (December 3rd) although it was his "silence day". He wanted me to tell him about security prisoners, recent disturbances and about other matters of consequence in the Province. I talked to him for over an hour on these subjects. He then wrote me a note thanking me and saying that he would like to come again today.

Repeated to Secretary of State for India.

[1] No. 260.

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265

Mr Casey (Bengal) to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: f 281

IMMEDIATE CALCUTTA, *4 December 1945, 8 pm*
Received at India Office: 5 December, 3.15 am

427. Personal and most secret for Viceroy from Casey.

In addition to my telegrams to you reporting my conversations with Gandhi I think you should know of two conversations that I have had with a Europeanised young Hindu called Sudhir Ghosh who is personal assistant to Sir Jehangir Ghandy the General Manager of Tata's Iron and Steel Company. This young man is I believe entirely non political. He is a personal friend of M. K. Gandhi and has been a go-between over last six months between M. K. Gandhi and myself as regards arrangements for M. K. Gandhi's visit to Bengal. I have seen him on many occasions and I believe him to be entirely genuine.

Ghosh came to see me on 2nd December and again today 4th December.

On 2nd December he told me privately that the general point of view of those around Gandhi is that nothing is likely to emerge out of any further discussions (such as the Simla Conference) before or after coming elections. He says Congress believes that if we are hoping for an agreed solution of Indian situation, that just will not happen. Congress maintain that they represent a big majority of people of India and that we (the British) should be agreeable to hand over control of India to this big majority. They ask "wherever has there been a country that was unanimous in respect of all its political parties on any major matter?" The Congress holds that we should hand over power to them (if Moslem League will not be parties to it) and(? let) Congress come to terms with Moslem minority. Congress realise that *they* will have to satisfy this great Moslem minority, otherwise no organised government in India will be possible. The Congress realise very well that they cannot have a permanently dissatisfied minority of 100 million in their midst. Let the British Viceroy remain for a few years as constitutional head of a representative government (on the present or some revised constitution) with special powers in respect of Moslem and other minorities to ensure that they are not abused, and then let British leave India to run their own affairs entirely.

At his second recent interview with me today Ghosh told me privately that he had been talking to Vallabhbhai Patel and others of Congress Working Committee who had arrived here and that he was terrified of their attitude. He says "there is a great deal of violent (group omitted)". He says Gandhi himself believes that he has failed to find a peaceful settlement but that he still hopes that another opportunity will be forthcoming immediately after election.

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However he says Nehru and Patel (in particular) have no faith in any post-election conference. He believes their attitude to be that they must fight to force the hands of the British and that they are confident that they now have enough strength behind them to carry the day.

Ghosh says that they do not conceal their determination that if they do not get their way there will be blood-shed in India on a wide scale and that it will not be communal but that Congress will rouse the country against British.

Ghosh says that Nehru and Patel have lost faith in "the Gandhian way" and that they have given up hope of a peaceful settlement with His Majesty's Government. He says Nehru in particular is speaking of "a mighty revolution in 1946".

Ghosh believes that Gandhi thinks that there is "a big chance of avoiding such a catastrophe" by a conference immediately after elections. If such a conference "fails" he thinks that even Gandhi will submit to policy of violence advocated by his colleagues.

I believe that, in the above, Ghosh has (corrupt group) certainly reflected attitude of mind of such members of the Congress Working Committee as he has met. However it is possible that Gandhi's several meetings with me (which he has sought) have been with the object of trying to get a lead from me as to lengths to which Congress can go with safety. I have the feeling that this may be the real object of his continuing to seek discussion with me.

In my talk with Ghosh today I hinted indirectly that I would like to know why Gandhi had sought this series of interviews with me instead of with the Viceroy. He said that it was because I was an Australian, and that Gandhi thought that I might possibly represent a channel of communication with Viceroy and His Majesty's Government that might be able to represent their actual (group omitted) that would be difficult for Mr. Gandhi to do directly with Viceroy. I said that this was slightly (?embarrass)ing to me as matters that had been under discussion (?were) almost entirely the function of Viceroy and not of Governor of a Province. He said that he hoped very much that I would not take this narrow view as Gandhi (and he (?believed) also at least some of the (?omission) stable of the Working Committee) believed that I was the only (?individual) who could represent (?these) matters in a way that would be listened to, and that even at expense of some irregularity they hoped that I would not cut off conversations as matters at (?issue) were so tremendously important to India and to the World.

I can do no more than report the above to you. No doubt you will put your own interpretation on it all. It would all (?seem) to fit in with tone of speeches in recent times (?by) Nehru, Patel etc.

Repeated to Secretary of State for India.

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266

Mr Casey (Bengal) to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: f 280

IMPORTANT CALCUTTA, *5 December 1945, 2.20 pm*
Received at India Office: 5 December, 5.40 pm

No. 429. Gandhi called on me again yesterday for two hours. He devoted himself principally to comments on my description of deception (sic) of political prisoners, Calcutta disturbance, food and cloth situation. He made plea (although not a very determined one) for release of remaining security prisoners. He agreed that public enquiry (as apart from police enquiry) into recent disturbances was unlikely to serve any useful purpose. He surprised me by saying that he had resisted attempt to get him to see those who had been speaking in the recent disturbances. He spoke at some considerable length on various aspects of food etc. situation although it was not very constructive or practical.

On All-India politics I recommended that he should read Secretary of State's speech[1] with great attention. I said that although I could well believe that he would have considerable difficulties in imposing restraint on his more ardent colleagues, I had no doubt that he (and he alone) could achieve peaceful solution of Indian constitutional problem. He said and repeated that he would do his utmost in this direction.

He asked me to see Azad, Nehru and possibly one or two others of Congress Working Committee this week while they are in conference here in Calcutta, which I said I would be glad to do.

Gandhi ended by asking if I wanted to see him again today, but I said that I thought we might postpone meeting again until I had seen some of his colleagues.

I suggested that it might be worth while for him to endeavour to see Viceroy whilst latter is in Calcutta next week, which he said he would be glad to do.

He has left voluminous literature with me, which I am in course of looking through, all designed to reflect the lengths to which Congress has gone in the effort to achieve agreement with Moslem League.

Repeated to Secretary of State for India.

[1] See Annexure I to No. 247.

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267

Government of India, Home Department to Provincial Chief Secretaries and Chief Commissioners

L/P&J/7/8467: ff 29–30

SECRET NEW DELHI, *5 December 1945*

D.O. No. I/4/45-M.S.

My dear

You will have seen the newspaper reports of the statement made by the Secretary of State in Parliament on the 4th December[1] with its welcome assurance of support in the maintenance of order and in protection for the Services.

2. The object alike of the Central and of Provincial Governments is that a settlement shall be achieved on the lines of His Excellency the Viceroy's declaration of the 19th September.[2] If peace can be maintained till after the provincial elections hope is possible that such a settlement will be reached. Policy must be directed to the maintenance of conditions in which this hope can be realised.

3. It can hardly be expected that the intervening period will pass without incident. Indeed, the next few months, particularly in some parts of India, are going to be a difficult and dangerous time.

To deal firmly during this period with every sign of sedition and of incitement to violence *might* nip trouble in the bud. A more likely result would be to give occasion for an upheaval which, whatever its nature and extent, would make a settlement impossible. On the long view therefore such a course would be less likely to achieve our aim than patience and restraint. There are also some signs that the more moderate elements in the Congress are using their influence in the interests of restraint and against an early outbreak of disorder.

On the other hand, a policy of "patience and restraint" *may* encourage the enemies of public order to further violence of speech and action and may correspondingly depress the spirits of our friends and the Services.

This dilemma exists and is particularly awkward at a time of reaction from the strain of the war. We have to tread a middle path, recognising the risks attendant on that course and the demands which it makes on the endurance and morale of government servants.

4. Each Provincial Government will have its own problems. The Central Government cannot at this stage attempt to offer any advice which would have a general application.

There is of course no general ban on prosecutions for sedition. In the worst cases it may well be necessary to prosecute and the matter is one for Provincial

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Governments. It is also open to Provincial Governments to take security from newspapers and to forfeit the security if necessary.

The Central Government request, however, that each Province will bear in mind the effect which action taken by itself may have on other Provinces and on plans for a settlement and they would expect to be consulted if provincial action is contemplated which will have important effects outside the Province. They would also be very ready to offer any aid or consultation which Provinces may want and will welcome requests to this end.

5. Meanwhile the necessity of foresight and of preparation for serious disturbance will be appreciated by all Provinces.

Some assistance in the examination which will be necessary may be afforded by the measures proposed in the Home Department letter no. 3/13/40-Poll (I),[3] dated 2nd August 1940. Many Provinces have in existence Civil Disobedience Manuals. The experiences of 1942 will have suggested a revision of such Manuals where they exist and in any case the steps to be taken will have to be decided upon in the light of what then happened and the conditions which now make possible disturbances on an even more extended scale and of a more serious character.

Along with other matters Provinces will no doubt consider a classification on the lines of lists A & B proposed in 1940 of persons whom it may be necessary to arrest and it is suggested that a third category should be listed of underground workers. It will be necessary to concert measures by which these lists can be exchanged between Provinces in order to ensure that persons who should be detained should be apprehended as necessary even if they are outside their own Provinces. A review of the jail accommodation available will no doubt be undertaken and measures actively pursued for maintaining the police at full strength and expediting the issue to them, and their training in the use, of modern arms, equipment, transport and communications. Internal security plans will call for revision and it is requested that this may be done in close collaboration with the military authorities who are preparing as a matter of first priority their own plans for the defence of India in the event of widespread internal disturbances and have been directed to discuss them with Provincial Governments. It is requested that every possible assistance may be given to them in the preparation of these plans and that Provinces' own schemes may as far as possible be integrated with them.

It can be taken for granted that all the existing powers for dealing with disorder including the war-time Ordinances, such as Ordinance III, and the Defence of India Rules will be available for use in maintaining order should widespread disturbances threaten. Provinces will probably not consider it necessary or desirable to duplicate these powers, as was in contemplation in

[1] See Annexure I to No. 247. [2] No. 116. [3] L/P&J/8/585: ff 118–27.

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1940 in the Emergency Powers Ordinance then drafted, but it might very well be advisable to consider the enactment of measures instituting a special procedure for speeding up the trial of cases.

Here also the Central Government would welcome consultation with a view to assessing the situation likely to arise and concerting measures to deal with it. On the initiative of Provinces they would be very ready to summon a conference if it is thought that this would be useful at a later date as soon as the problems to be considered have been clearly formulated.

6. It is recognised that there will be a great strain on the Services and it is impossible to ignore the fact that we are aiming at a constitutional change which is bound to affect them. Provinces' suggestions are invited on any proposals to maintain their morale.

Yours sincerely,
A. E. PORTER

268

Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET
No. 45

THE VICEROY'S HOUSE, NEW DELHI,
5 December 1945

Thank you for your letter of the 23rd November.[1] I fully agree with you on the necessity of our having a plan in the event of our finding it impossible to bring about any sort of agreement between the parties next summer. I and my staff have been considering the "breakdown plan" for some time past; and I hope to be able to give you our ideas soon.

2. There have recently been indications that the Congress leaders want to reduce the political tension by making it clear that there must be no mass movement until after the elections. Nehru is reported in the *Hindustan Times* of the 3rd December as having said that no major political developments can be expected until after the elections. He also made of course some of the usual remarks in encouragement to the more hot-headed. Gandhi has said: "Conserve all your energy by maintaining peace and order in a disciplined manner for the impending non-violent struggle for independence which is ahead". Abul Kalam Azad said on the 1st December: "The present policy of the Congress is to maintain peaceful undisturbed conditions in the country and to fight the elections in accordance with the Congress manifesto." Sarat Chandra Bose in a public statement sought to attach the blame for the Calcutta disturbances to the Communists; instead of claiming "credit" on behalf of

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the Congress. The Executive Committee of the Editors' Conference, which is largely a nationalist body, has invited me to tea in Delhi on the 17th December. I entertained the Conference when I first came here as Viceroy, and this is a return of hospitality, but the fact that an invitation has been made at this time is further evidence of a desire for a temporary *détente*. In fact, Congress want a little more time to establish themselves in the country and to complete their preparations for non-violent violence.

3. I think the Calcutta disturbances made Congress leaders realise that the violent language that was being used for electioneering purposes might cause premature demonstrations and riots, that the Congress might be put in the wrong in the eyes of the world, and that a mass movement as a weapon to be used at the right moment and according to a plan was being prejudiced by the creation of an atmosphere in which disturbances might occur any time and anywhere. There is also the strong capitalist element behind Congress which is becoming nervous about the security of its property.

4. The danger of a mass movement after the elections if Congress claims are not quickly met is more obvious than ever. We must be very much on our guard against a sudden outbreak of violence, and our dispositions must ensure that a mass movement next summer will not be successful. But the present indications are that there will be negotiations first; as Congress intended there should be before the August 1942 outbreak.

5. I shall not be able to include in this letter any press reactions to the Parliamentary statement. I think it is a good statement and should have a valuable effect. There may be allegations that in view of the Calcutta firing we should protect the public and not the police, but as Casey has already ordered an enquiry into the police firing we are not really vulnerable on that point.

6. We have allowed a considerable measure of licence to politicians in making their electioneering speeches, and many actionable utterances have been disregarded. You will, however, have seen in the enclosures to Rutherford's last letter[2] from Bihar that some of the incitements to violence have been in the most outrageous language, and I think Provincial Governments have tended to interpret my policy rather too strictly, and to assume that even in the worst cases they are forbidden to take action. Home Department propose to address Provincial Governments and to secure a pooling of ideas on the action to be taken to control the spate of seditious and racial speeches and press articles.[3] Even if the Congress leaders continue to advocate moderation, there will probably have to be a few prosecutions in the worst cases.

[1] No. 231. [2] No. 535 G.B. of 23 November 1945. L/P&J/5/180: ff 25–36.
[3] See No. 267.

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7. Casey has sent you a copy of a letter[4] he has received from the Calcutta Branch of the European Association expressing concern over the law and order position. I think your statement in Parliament will have given them some reassurance, and I shall speak on similar lines when I address the Associated Chambers of Commerce on 10th December. I shall probably see some of the leaders of the European community privately when I am in Calcutta.

8. The difficulties of administration in India during this period can hardly be better illustrated than by the figures that Twynam gave in paragraph 5 of his letter of the 26th November[5] of which a copy has been sent to you. He shows that in the Central Provinces he has only 17 British I.C.S. officers, 3 of them judicial, and only 19 British members of the Indian Police. These figures include officers on leave. I think I am right in saying that there are also no British troops in the Central Provinces at present. The figures speak for themselves, and there is bound to be anxiety at a time when racial feeling is so bitter. We have always run our Eastern Empire on prestige (some people call it bluff)—the prestige of British personality—never on numbers.

9. You have heard by telegram[6] what passed between Casey and Gandhi when the two met recently in Calcutta. The talks are still continuing. Casey rang me up yesterday afternoon (4th) about them. Gandhi seems to be running true to form; he has not changed in his distrust and dislike of the British as a whole, and he never will. Casey thinks his present object may be to ascertain how far Congress will be allowed to go in their incitements without provoking arrests. I shall probably see Gandhi myself when I go to Calcutta next week.

10. Gandhi has written to my Private Secretary making allegations of ill-treatment in jail of two further political prisoners. He has been asked to arrange for one of them, who has now been released, to pay a visit to Delhi at Government expense and see the Home Member. The other is still in detention, and if Gandhi accepts an invitation I have sent him to give more details about his ill-treatment, Thorne will visit him in jail and investigate.

11. I hope you will be able to let me know fairly soon when the M.Ps. are likely to arrive in India. They must certainly be free to see everyone they want to see and to come and go as it pleases them, but it is necessary in present conditions to make advance arrangements if a lot of inconvenience is to be avoided.

[Para. 12, on the removal of ordnance factories to Cawnpore from Ishapore and Cossipore, omitted.]

13. I shall have to settle soon the nominations of non-officials to the new Legislative Assembly. One seat has been held throughout the period from 1921 by N. M. Joshi as a representative of Labour. At first, although he opposed

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Government from time to time, which was natural enough, he was an admirable Member. Lately I am told he has become very cross-grained and was thoroughly unsound on war issues. Apart from voting regularly against Government, he has adopted entirely the Congress point of view, and it is hardly fair to the Members of the Executive Council, who have to struggle on in the Assembly against heavy odds, to ask them to accept as a colleague a man who is so completely identified with the Opposition not merely on labour matters, but on all other matters too. Joshi has had a very long innings and I have decided that I should now nominate someone else for this seat, probably from the other branch of Indian Labour, namely the Indian Labour Federation. I mention this because Joshi has, I believe, quite a considerable reputation outside India in Labour circles and you may wonder why he has disappeared from the Assembly.

14. Ambedkar has recently submitted to Council his proposals for Labour legislation for the Budget Session of 1946. One was a bill to amend the Factories Act, to reduce hours of work from 56 hours to 50 hours per week. This will have to be reconsidered by Council when the comments from Provincial Governments have been received. A second proposal is to introduce a bill to fix minimum wages. All Provincial Governments are being consulted on this, but the bill is undoubtedly too ambitious in trying to fix minimum wages for too many industries. The schedule even includes Agriculture, though the administrative machinery to enforce minimum wages in all the 650,000 villages of India cannot possibly be provided. There was, however, a good deal of sympathy in Council for the proposal to introduce a bill governing at any rate those industries where sweated labour is believed to be employed. Provincial Governments are being consulted. Council accepted a non-controversial bill to amend the Workman's Compensation Act, and another called the Employment (Standing Orders) Bill designed to secure that workers in large industrial establishments know what their conditions of service are. Finally Council approved a proposal to introduce a bill to amend the Trades Union Act and refer it to a Select Committee. The bill makes recognition of Trades Unions compulsory on employers.

15. At a later meeting Ambedkar introduced rather prematurely a unified scheme of insurance and social security for industrial workers. I fully sympathise with Ambedkar's desire to get a move on with such schemes, but in this one he had not secured the necessary measure of inter-departmental agreement, and it was not clear that all Provinces would be able to make administrative arrangements for implementing the medical part of the scheme. We hope, however, to get the remaining preliminary work done in time to introduce a

[4] L/P&J/7/8734. [5] No. 239. [6] Nos. 259, 260, 264 and 266.

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bill in the Budget Session and make a motion to circulate it to elicit public opinion.

16. I promised to deal further with Mir Liaq Ali's complaint about the general working of the Capital Goods Import Registration Scheme.

The scheme for registering imports of capital goods was introduced in order to ensure a planned development of Indian industry, to make the best use of currency in short supply, and to assist in procuring capital goods at a time when supplies were difficult. The two latter objects will gradually cease to have importance, but the necessity to plan remains. Central control of twenty basic industries was generally accepted by the Provinces at the recent Conference in Delhi—I had expected far more opposition than was expressed. Indian States were not represented at this Conference. It is intended that they should receive equal treatment with British India, but there are constitutional complications, as you know.

Meanwhile, I entirely agree with you that applications for the import of capital equipment from States should be handled promptly and with sympathy; and I am assured by the Commerce Department that this is being done. So far there has been no allegation that the Crown's obligation to protect the rights of States is not being adequately fulfilled, nor do I think that the States at present would have any legitimate ground for alleging this. Political Department keeps a close eye on the treatment accorded to the States by other Departments of Government, and is trying to secure the co-operation of States in planned all-India development, but such negotiations take time.

I send by this bag a more detailed note on the subject.

17. I will send you a further note on Hyderabad's general attitude, if you wish to bring it before your colleagues.

18. I am glad the Prime Minister agreed to speak to the President about the status of Bajpai.[7] Even if he was unsuccessful in carrying our point, it will make a good impression in Council if I am able to tell them later that the Prime Minister regarded the matter as of sufficient importance to raise it personally in this way.

[Para. 19, on a directive to the G.O.C.-in-C., 12th Army; and para. 20, on facilities for American news agencies in India, omitted.]

[7] In tel. 26410 of 29 November, the G. of I., External Affairs Dept. was sent the text of Lord Halifax's tel. 7697 of 17 November to Mr Bevin in which it was stated Mr Attlee was raising the question of Sir G. Bajpai's status with President Truman. L/P&S/12/2639: ff 204–5.

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Mr Menon to Mr Abell

R/3/1/108: ff 24–45

TOP SECRET NEW DELHI, *6 December 1945*

D.O. No R 194/45

My dear Abell,

I enclose a note in two Parts, the first Part dealing with the composition, terms of reference etc., of the preliminary Conference of elected Provincial representatives, and the second Part with the problem of future policy in the event of a "breakdown". Although you wanted only the second Part of the note urgently,[1] I thought it would be advantageous for you to see the picture as a whole. Part I is still in a tentative form and I have to consult the Political Department on it.

2. In preparing this note I have freely consulted B. N. Rau.

Yours sincerely,

V. P. MENON

PART I.

Preliminary Conference of Provincial and State representatives and its Agenda.

In determining the next step to be taken in India, it is best to follow precedent as far as one is available. A plan which has worked satisfactorily elsewhere may also be expected to work here; and even if it fails, no one will be able to question H.M.G.'s good faith.[2]

2. Conditions in British India today recall in some ways those in Canada just before Federation. There was bitter racial and religious feeling, mutual suspicion and distrust between Upper and Lower Canada, carried to such lengths that political opponents had given up social relations. This state of things was mainly due to the fact that the two Canadas had been yoked together in a Union on terms of parity which in the beginning were unfair to Lower Canada, but which, with changes in the population, had subsequently become unfair to Upper Canada. One remedy suggested was to dissolve the Union and separate the two halves: this would have done away with the sectional difficulties which the Union had created, but would have broken up a connection which had existed for over a quarter of a century, would have lowered the credit enjoyed by the United Canada and generally reduced its capacity for progress. Another

[1] See Mr Abell's Minute in No. 251, para. 11.

[2] Lord Wavell minuted here: 'This is a little doubtful'.

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remedy suggested was, while preserving the Union, to repeal the parity provisions and grant representation by population: this would have been bitterly resented by the French Catholics of Lower Canada as subjecting them to the English Protestants of Upper Canada and menacing their language, their religion, and their institutions and laws. A third—and the most hopeful—remedy was to separate the two Canadas in those matters in which their interests were separate and to unite them in those matters in which their interests were common—in other words, Federation. But for many years this remained a vague ideal and even when it was realised, there was not much rejoicing either in the new Dominion or in England: according to one writer, the Dominion "was born in a period of mid-Victorian gloom".

3. There is much in all this that reminds one of the Pakistan controversy and of the general conditions in British India today. The first step taken in Canada, which ultimately led that country out of a series of crises and deadlocks, was the formation of a coalition government pledged to the taking of immediate steps towards Federation, either of the whole of British North America or at least of the two Canadas.[3] A similar step is now indicated in British India also: the setting up of a Central Government pledged to assist in a revision of the Constitution at the earliest possible moment on principles just to the several Provinces. This formula might be broad enough to permit the various parties to work together at the Centre between now and the framing of the Constitution; and once brought together, they may be led to modify any extreme views which they may hold at present and to influence others also in the same direction. Moreover, the formation of such a Government at the Centre would serve to reassure the country that H.M.G. are determined to do their best to find a final solution. In present circumstances the earliest possible date for doing this would appear to be after the Provincial elections; but the step should not be delayed longer than is absolutely necessary.[4]

4. The second step would be to give precision to the plans already foreshadowed in H.E.'s broadcast[5] and to indicate a time-table, so that everybody may see that H.M.G. mean business. In this matter the new Central Government will have a large and important part to play. Subject to what they may have to say, the following programme is suggested. Immediately after the Provincial elections, H.E. is to have discussions with representatives of the Provincial Legislatures and of the Indian States. If the new Central Government accept H.E.'s plan, the preliminary conference might with advantage include selected members of the Central Government also. The composition of the Conference, subject, again, to what the Central Government may have to say, might well be:—

The Premier of each Province, the leader of the chief opposition group in each Province, one Indian Christian and one member of the Scheduled Castes

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from Madras, one European and one Anglo-Indian from Bengal, one member of the Scheduled Castes from the U.P. and one Sikh from the Punjab. The total of these comes to 28. In addition, there may be 7 representatives[6] from the Indian States.[7]

5. The selected members of the new Central Government will be sufficient to represent the Central Legislature as well as the Chief Commissioners' Provinces.

6. The discussions of the Conference are apparently to be concerned with the composition, powers, procedure etc., of the Constitution-making body, which for convenience we may call the "Constitutional Convention" or simply the "Convention". It is necessary to put all relevant issues before the Conference so that they may feel that nothing is being held back. It may be that the Conference will appoint a Committee to discuss the various issues and the Conference will then consider the Committee's report. This may be the most convenient way of handling the problems. I have endeavoured in what follows to put the issues in the form of definite questions and in doing so have taken into account the discussions in London in September last.

[*There follows an earlier version of Enclosure 4 to No. 315. Most of the questions in that Enclosure are covered, some in identical terms.*]

PART II

Breakdown Solution.

A suggestion has been made in certain quarters that, in the event of a "breakdown", H.M.G. should proceed to impose a Constitution of their own and to enforce it on all parties, if necessary. To this course I see very grave objections. First, an imposed Constitution must necessarily contain some provisions distasteful to almost every party and it will therefore be resisted by all. We know the fate of the Act of 1919 and that of 1935 and must profit from the experience. The second objection is that if the parties get an inkling that a Constitution would be imposed in the event of a breakdown, there would be a strong temptation for one party or the other to create a deadlock in the hope of getting better terms under the imposed Constitution. The chances of a breakdown will therefore be greatly increased. Thirdly, a Constitution can be imposed from Westminster only on British India, but the adhesion of States

[3] Lord Wavell minuted: 'This is what I tried to do at Simla.'
[4] Lord Wavell minuted: 'Would it be possible earlier?' [5] No. 116.
[6] Lord Wavell minuted: 'How is 7 calculated?'
[7] Lord Wavell minuted: 'What would be the Communal composition of this body? What is the chief opposition group in Bombay, C.P., Orissa, etc.? Would it mean one Hindu and one Muslim from each Province? I imagine not.'

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will still be voluntary. The fourth difficulty is that we cannot now foresee at what stage and in what circumstances a breakdown may occur, and we cannot therefore lay down now that if there is a breakdown of any kind at any stage an entire Constitution will be imposed on the country. H.M.G.'s plan, announced in September last, is a connected whole and the parts are so arranged that if there is a breakdown at any stage the party responsible will suffer and the plan can still go on.

2. Thus, taking the first step, namely, the formation of a new Government at the Centre, it will be noticed that the avowed object of appointing new men is, on the plan set out in Part I of this note, to assist in the revision of the Constitution at the earliest possible moment, on a basis just to all the Provinces.[8] There is nothing here which commits any party to any particular form of revision. If, in spite of this, any particular party stands out, the obvious solution is to go on with the plan without that party's co-operation instead of imposing a new Constitution straightway. The risk involved in imposing an entire Constitution on the whole country is much greater than that involved in ignoring a single recalcitrant party. The results of the general elections will show the strength of the several parties and H.E. will be in a position to decide how the Executive Council should be reconstituted on a basis fair to all. It may be that he will consult party leaders and make every effort to reach an agreed solution, but if in spite of all his efforts he fails to obtain the co-operation of all the parties, he must carry on with the maximum amount of support available. In this type of breakdown the imposed solution need not be anything more than a decision to go ahead with the maximum amount of support available instead of abandoning the plan at the very first step. Unless this is done, the same difficulty may reappear at every subsequent step. If, on the other hand, a solution of the kind indicated is imposed at the first breakdown, the chances of subsequent breakdowns will be minimised.

3. One great difficulty in the past has been the fear of the Muslim League that unless it is given "parity", the Government will be dominated by the majority community. One possible way of meeting this difficulty would be to divide the Executive Council into an inner and an outer circle just as in England there are Ministers inside the Cabinet and Ministers outside.[9] Following this analogy, we may, for instance, have six members holding the key portfolios in the "inner circle". These will be divided between the Congress and the League in equal proportions, and only these will decide all questions of policy. Outside this "inner circle" there may be nine other members holding the less important portfolios and the distribution here may be 3 Hindus, 2 Muslims, 1 Sikh, 1 Scheduled Caste, 1 Anglo-Indian and 1 Indian Christian. On this plan the Muslims need have no fear that questions of policy will be decided on communal lines. The members belonging to the "outer circle" will, it should be noted,

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have no right to attend the meetings of the "inner circle" except when matters concerning their own Departments are under consideration. It may be possible to secure this result even without any amendment of the present Act, if we simply style the members of the "outer circle" "Additional" Members of the Executive Council to be appointed by the Governor-General. The members of the "inner circle" will of course be appointed by His Majesty. There is nothing to prevent both classes of Executive Councillors getting the same salary and other privileges. The number of members of the "outer circle" can be increased or decreased according to the requirements of the situation.

4. The second step which we propose to take is the summoning of the preliminary Conference. Here again, if any unit[10] stands out, the Conference must go on without that unit. So too with the formation of the Constitution-making body: if any particular Province (or State) does not choose to send a delegation or to participate in the election for the Constitution-making body, the others must be allowed to proceed. And so on. Only at the final stage when the Constitution, as prepared by the Convention, is put to the various Provinces and some vote themselves "in" and some vote themselves "out", a decision may be required from H.M.G. as to what is to be done with the Provinces that stand out, and in certain events, also on the question whether the Punjab or Bengal should be partitioned. But until these stages are reached there does not seem to be any occasion for H.M.G. to intervene in the constitution-making process.

5. Under our present plan we can be sure of getting a Constitution made for at least one Union[11] by the people themselves, even if any party or any unit chooses to withhold its co-operation or to stand out. Having got one Union going, we shall be in a better position to know which units stand out and to deal with them. Even if they should decide to form a separate Union, the constitution-making process adopted for the first Union will merely have to be repeated. In this way H.M.G.'s difficulties will be greatly reduced. On the other hand, whatever Constitution may be imposed from Westminster must necessarily be of a provisional character, and the main problem, viz., that of framing a new Constitution will be no nearer solution.

6. Mr. Nehru in one of his recent statements has made it clear that if the authorities do not take steps for the framing of a new Constitution, the initiative will pass to other hands. This means in all probability that one of the

[8] Lord Wavell minuted: 'What we really want at the Centre is a body to administer in the interim period, not a Constitution Making Body surely.'

[9] Lord Wavell minuted: 'I don't think this would be accepted or would work.'

[10] Lord Wavell minuted against the word 'unit': 'Supposing *all* Muslims stand out, do we carry on without them?'

[11] Lord Wavell minuted against the words 'at least one Union': 'i.e. all Congress & Hindu dominated Provinces, presumably.'

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Congress Provinces will take the initiative, summon the other Provinces to a Constitutional Convention and present to H.M.G. a Constitution made by themselves for the Provinces that are prepared to enter the Union. In these circumstances, to impose a new Constitution of H.M.G.'s making on the whole country merely because there has been no agreement between the main parties would be criticised by the Congress as an unwarranted intervention.

7. In my opinion all that is necessary is to pursue resolutely the plan already laid down. If at any stage any party or unit should try to create a deadlock, H.M.G. must decide to go on with the plan. No other form of intervention is necessary.

8. Mr Joshi while in London pressed upon H.M.G. the view that since there was no general agreement among the parties, H.M.G. should impose a settlement upon them. So far as I can see, no one in India was in favour of Mr. Joshi's plan. The imposition of a Constitution by H.M.G. is a counsel of despair. If it is necessary, it must be done only in the last resort. That stage has not yet been reached. Further, if Mr. Nehru's idea is translated into action, we cannot stop the Congress Provinces from framing a Constitution for themselves. The Muslim League will then have to face the situation that if they non-co-operate, they may not get as favourable terms for the Muslims in "Hindustan" as they would if they went in. We tried to solve the problem as a whole: it is too big, and we have failed. Let us now tackle the problem by bits and see if we will succeed.

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Mr G. D. Birla to Mr Henderson

L/PO/6/102c: ff 162–3

8, ROYAL EXCHANGE PLACE,
CALCUTTA, *6 December 1945*

Dear Major Henderson,

I deliberately delayed replying to your kind letter of the 5th November.[1] I thought I might wait till new developments took place.

This morning I read the new announcement[2] by the Secretary of State. I have developed a mentality of seeing only good in all that comes from your side. After meeting with you and other friends in England, I returned with a conviction that the Labour Party was sincere in its professions. But the past has been so bitter that it is an uphill task to create the new psychology among the rank and file. Even now people find plenty which makes them misunderstand and so misinterpret the intentions of the present Government. Hundreds are

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still in detention without trial. The general demeanour of the Britishers in India is not very helpful. Indonesia and I.N.A. trials are making their own contributions. And so the atmosphere remains bad, though there may be invisible favourable undercurrents.

As I had anticipated in my previous letter,[3] strong speeches were delivered by some of the leaders. They find on all their sides the same old spirit prevailing—very much different from what one finds in England. And so they find it difficult to be moderate in their expression. It is an unhappy situation that while we are very near to our goal, we should still be lacking in mutual trust and confidence.

It is in this peculiar atmosphere that the new statement has been received. The first remark that I heard from a friend was: "There is nothing new in it—the same old story". One Indian paper gives the headline, "Labour Government's Mailed Fist to India". And yet, I feel that its good effect will be felt before long. Perhaps too much emphasis on law and order could have been avoided since the Government here has been laying enough emphasis on this point. In any case, I take its reassurance part. Recent speeches by the Secretary of State too have had invisible good effect. Luckily for the last four days a meeting between Gandhiji and Mr Casey has been going on. This too must pave the way towards creating a better atmosphere. I personally feel that the period of indiscreet speeches may now come to an end.

But we are sitting on a heap of dynamite. The I.N.A. trials, Indonesian troubles, the detention of hundreds of young men without trial, all these are adding to the existing tenseness of the situation. One by one these must be got out of the way.

But as I had said before, I repeat again that I continue to take an optimistic view. I wish it should have been possible for H.M.G. to say clearly what they propose to do in case of a disagreement between the two major communities. I can say without much doubt that as long as it pays Jinnah to be intransigent, there is no hope of an agreement. We have had in the past many settlements. There was the Lucknow Pact,[4] the Nehru Report[5] and then the Communal

[1] Not traced in India Office Records. [2] Annexure I to No. 247.

[3] Not traced in India Office Records.

[4] An agreed plan of constitutional advance drawn up by nineteen Hindu and Muslim members of the Indian Legislative Council and ratified at Lucknow at the close of 1916. Amongst other provisions, the Pact made allowance on a generous scale for seats to be filled from separate Muslim electorates in both the Central and Provincial Legislative Councils.

[5] Early in 1928 a small Committee of the unofficial All-Parties Conference was established charged with 'viewing the communal problem as a whole and in its relation to the constitution'. Its report published later that year and known as the Nehru Report, after its Chairman, Motilal Nehru, set forth and explained a new Indian constitution. Among its recommendations was the discarding of separate electorates. Elections were to be made by joint or mixed electorates. The only communal safeguard was to be reservation of seats in Legislative bodies which would be afforded to the Muslims (except in the N.-W.F.P.) in Provinces where they were in a minority and at the Centre.

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Award[6] by Mr Ramsay MacDonald. All these were accepted first and then they were re-opened. In view of this, this time there can be only a final settlement. There will be no offers and rejections. And the final settlement will come only when it is realised that there is an automatic solution in case of a disagreement. Human nature being what it is, its note must be taken.

Jinnah wants Pakistan composed of Bengal, the Punjab and even Assam. In Assam Muslims are in a minority. In Bengal and the Punjab, Muslims are in majority but not in all the districts. Self-determination must be conceded by the Hindus. But it will also be demanded by them in areas where they are in majority. It cannot be denied to them. And self-determination has to be defined too.

I still feel that if what I suggested to you in London had been adopted, both the parties would have known where they stood. In other words, the only solution is to concede self-determination to both the communities.

I would do something like this. First of all, I would take a joint plebiscite (Hindus, Muslims and Sikhs) of the border districts of the Punjab and Bengal asking for their vote whether in case India was to be separated, they would like their districts to be in the Pakistan or the Hindustan area. On the strength of this plebiscite, we shall have a new alignment of the provinces. After that I would give the fullest autonomy to each such newly constituted province, including the right to secede. If the people of these provinces, Hindus, Muslims and others (perhaps the Muslim majority would be something like 60 to 65 per cent in this area) decide—Muslims forming a majority of 65 per cent have to cast only 51 per cent votes in favour of Pakistan to get it—to separate from India, they will have it. This is the only solution.

Before constitution making starts, some such principle will have to be laid down. As long as there is uncertainty about this definition of Pakistan and about the next step, the two parties will never agree. The present distrust also will continue.

I fear you do not intend to do any such thing at this stage. But if the deadlock is to be terminated, at some stage this will have to be done. I don't see what else could be done. I am not talking as a Hindu. But nobody has so far told me as to what the Hindus could reasonably do to satisfy the Muslims. Should they agree to the predominantly Hindu areas and Assam being attached to Pakistan? On what ground? And how will the Hindus of the areas, where they are in a majority, agree to be transferred to Pakistan? I think the solution has to be based on certain equitable principles. I hope this will be carefully considered by H.M.G.

About the Parliamentary delegation, I am glad that you are sending it. I daresay it is your independent decision although I feel flattered in reminding myself that I too in my last letter had suggested something of this nature. In order, however, to make the delegation an unqualified success, certain things are essential.

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In the first place, the selection should be of good persons. Men with liberal views, with previous personal contacts and with resourcefulness should alone be selected. They should not move about in narrow official circles, but should make it a point to always stay with Indians, learn their ways and habits of living, their culture, understand their difficulties and talk to them in a friendly manner. Then alone they will be able to have a good peep into the Indian heart. If they move about with the help of the Government with the itinerary prepared by the Government, then they will become suspect and their object would be frustrated. Let them move about freely meeting Hindus, Muslims, Sikhs, Scheduled castes,—every section—be guided by Indians and stay mostly with them. They should not come with any official status, otherwise they will have to talk with reserve. Too much reserve never helps.

Meanwhile, I also hope that some of the stumbling blocks which are in the way of a better atmosphere, would be removed. For instance, the continued detention of so many without any trial. And the I.N.A. trials. These trials are unnecessarily creating new problems although the last statement[7] issued by the Government on this point is, in my opinion, satisfactory since it has assured that even after conviction their cases would be reviewed by the Government.

I again have to write this long letter to you only to be helpful. You were good enough to say that I should not hesitate to write to you whenever I considered it necessary. And I can assure you I will do so only when I must.

Let me again repeat that I take, as I took before, a fully optimistic view of the future. But we all have to work very hard with patience, sympathy and tact. There is no political leader including Jawaharlal who wants to see any crisis or violence. Whatever they may be speaking—and one should try to understand the reason for these strong speeches even though one may not agree with them —everyone is anxious for a settlement. Popular impatience and the prevalent atmosphere are responsible for these strong speeches. Even leaders are often led. But I think unrestrained language will be heard less and less in the future.

I am sure you will show it to the Secretary of State. You may perhaps like to share this with Sir Stafford too who is always anxious to hear and help India.

With kindest regards,

Yours sincerely,

G. D. BIRLA

[6] See No. 71, note 1. [7] See No. 258.

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Mr Attlee to Lord Pethick-Lawrence

L/WS/1/943: ff 23–4

10 DOWNING STREET, WHITEHALL,
6 December 1945

Prime Minister's Personal Minute: Serial No. M. 180/45

Secretary of State for India

I have seen General Auchinleck's appreciation of the military situation in India.[1] This is being studied by the Chiefs of Staff and I await their report.

2. Meanwhile, it is clear that nearly everything depends upon the reliability and spirit of the Indian Army. Provided that they do their duty, armed insurrection in India would not be an insoluble problem. If, however, the Indian Army were to go the other way, the picture would be very different. It is therefore clear that all possible steps should be taken to foster the loyalty of the Indian Forces to show them that they have the solid backing of His Majesty's Government. There are, of course, a variety of ways in which this could be done, e.g.—

(a) Welcome home parades to those who have been fighting abroad, and victory parades in big centres.
(b) An increase of pay and better conditions of service.
(c) Rewards of land on a generous scale and quickly given.
(d) Good propaganda to the villages in which the bulk of the fighting men live.

3. I have no doubt that the Viceroy and Commanders-in-Chief have these things in mind, but I think we ought to satisfy ourselves that they are not only doing enough but doing it quickly enough, and I should be glad if you would call for a full report.

C.R.A.

[1] No. 256.

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Entry in Mr Casey's Diary (Extract)

Photo. Eur. 48/4

6 December 1945

The papers today had a paragraph—"*Mr Gandhi* did *not* see Mr Casey yesterday".

Some small matters that came out of my talks with M.K.G.

He reminds one a little of a meek edition of W. M. Hughes.

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He told me that he claimed to be better acquainted with Christianity than most Christians, better acquainted with Zoroastrianism than most Parsees, and with Islam than most Muslims.

He said that he endeavoured to introduce elements of all the principal religions into his public evening prayers—he had passages in Arabic (drawn from the Koran), passages from Zoroastra in (I think he said) Persian—and "Lead Kindly Light".

He told me that *Jinnah* had told him that he (Gandhi) had ruined politics in India, by dragging up a lot of unwholesome elements in Indian life and giving them political prominence—that it was a crime to mix up politics and religion the way he had done.

He said that the habit in India of wanting to touch his feet ("a very nice habit in itself") was most embarrassing when done by great crowds.

He is very keen about the "Nature Cure", which he is undergoing.

He said that he greatly appreciated my informality and the fact that I had accepted no title.

He says that he is not a learned man and that he has no great gifts.

He clearly has a certain rather feminine streak in him.

He is not very businesslike.

Each night that he came to see me, his departure was remarkable in that probably 150 of our servants (Muslim and Hindu) lined the passages and the entrance to the house, to see him—all salaaming profoundly.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *7 December 1945*
Received: 16 December

At a time when people in this country are beginning to make preparations for Christmas and New Year I may perhaps be allowed to break into the official side of our correspondence and the busy tenor of both our lives to send to you and your family on behalf of my wife and myself a personal message of greeting and goodwill. May your New Year be happy both in your individual and official capacity.

2. It has been suggested to me that I might take some means of sending a personal message to India and Indians at Christmas or probably preferably New Year. If you think this would be of value I should be glad of your advice in the matter. I think that the only really effective way of doing this would

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be to broadcast. It might have to be a recorded broadcast, and would also have to be sent out and translated for vernacular broadcasting at the same time. I have in mind something in the nature of a personal talk on the situation confronting India in 1946. I should of course not want to do anything which would cut across anything you have in mind.[1]

3. I have had several talks with General Mayne since his return from India and have discussed with him the impressions which he had formed of all aspects of the situation. I also received and have circulated among my colleagues your two telegrams[2] relating to your revised views concerning the treatment of the I.N.A. I appreciate fully the reasons why you have taken this decision and personally I have no doubt that you are right in coming to it. The main object of disciplinary action is to preserve morale and one has always to balance up the cumulative advantages and disadvantages of the alternatives of severity and clemency. I see no ground for the former if in fact its net effect is injurious. I shall give sympathetic attention to any further views that you may have on these trials which are having such unfortunate effects on public opinion in India, and if necessary and appropriate will lay them before my colleagues.

4. My colleagues have been considering, in conjunction with the Chiefs of Staff, the problem of Java, and it looks as though the outcome will be some new approach. I hope devoutly that in due course it may result in a reduction in the asperity of the situation. In the meantime both I and Mayne, who was at the meeting, gave very strong expression to your views and to those of the Commander-in-Chief. I think that partly as a result of our representations it is now unlikely that a third Indian Division will be sent to Java. This though it by no means meets Indian views entirely will at least not add seriously to the already grave position.

5. Now we are approaching the commencement of the provincial elections, it is full time that we should begin to think out our plan of campaign. First, what are likely to be the Congress demands? Secondly, how far we are prepared to go to meet them in view,

(*a*) of our own requirements;
(*b*) of the hostility of Jinnah.

Thirdly, when are our negotiations to begin? Is it necessary to wait for the final provincial results, which I understand will not be till the middle of April? If Congress and League antagonism is so great that no sort of compromise between them is possible, have we an alternative temporary solution to offer?

6. I have been thinking also about our attitude towards other Congress demands, and in particular the question of persons in detention, convicted and unconvicted. I realise of course that everyone we let out is a possible

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recruit for a violent campaign, but against this has to be set the advantage of presenting the smallest target for attack. There are three sets of people I have in mind. First, as to the detenus; I am glad to see that month by month their numbers are steadily going down, and I hope that by the end of March they will nearly all be out. Then there are the men who have already served out their sentences in some cases of 14 years, and are still in jail, kept there under detention. I confess I do not like this situation and I hope it may be found possible to do something to reduce the number of them. Finally, there are the rest of the 1942 convicts about whom I wrote to you a little time ago.[3] I should be glad if you would consider again whether in some cases at any rate, reduction in their sentences and consequent release cannot be effected. I do, however, appreciate your difficulties in this matter.

7. The Statement went over well in Parliament. There was a good deal of criticism of the use of E.P.A. as a vehicle and we may have to abandon that. The Opposition thought that the members should go out simply as a Parliamentary delegation promoted by His Majesty's Government. I am anxious not to do anything which will lift the status of the Delegation above the level of a goodwill mission. There is some hankering among eminent Conservatives such as Templewood, to come out on it. But I shall try to keep it at a lower level than that, though we want people with sound judgment and good sense on it.

8. I was interested by what you said in paragraph 4 of your letter of the 27th November,[4] about the riots in Calcutta. I agree that Casey himself seems to have handled this most admirably, and it was fortunate that the situation did not develop more seriously.

I am very glad to hear that Casey is having an enquiry into the firing by the police and is not satisfied with their methods. I am bound to say that from his telegraphed reports I felt uneasy myself on these matters. I do not wish to blame the police who no doubt found themselves in a very difficult situation but I wonder whether the police methods for dealing with this kind of thing are really up-to-date. In Palestine tear gas has been used with success. I know this has been considered in India and I have noted the information given in paragraph 2 of Home Department circular letter to Provincial Governments, dated 20th February 1945,[5] about cases in which it has been employed during the last 3 years and the conclusion drawn that it is not of very great use in widespread disturbances. But it is a much more humane method and better received by public opinion, and I should have thought also that it would

[1] In tel. 2208-S of 18 December Lord Wavell informed Lord Pethick-Lawrence he preferred New Year for the proposed broadcast and asked to see its text. L/PO/10/25.
[2] Nos. 252 and 258. [3] See Nos. 171, para. 3 and 190, para. 15. [4] No. 246.
[5] Not traced in I.O.R.

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more effectively defeat the technique of Indian crowds which sit about obstructing the traffic for hours. I hope you will have this possibility examined again.

9. I have been able to arrange for Jenkins to have talks with the Prime Minister and Bevin.[6] I certainly agree that you could not have a better expositor. I gather that the Prime Minister talked to Jenkins further about propaganda for the Government in India, and is still not very satisfied that nothing more can be done. I know there are great technical difficulties about village broadcasting which during the war at any rate, barred development. Are you however fully satisfied that we cannot make some progress in that direction now?

[Para. 10, on a Chairman for the Indian Art Exhibition in London, omitted.]

11. A recent question in the Commons[7] alleged that the election time-table in the Punjab had been so arranged that nomination day preceded the completion of the revision of the electoral rolls with the consequence that nobody included in the rolls for the first time would be able to stand as a candidate. The enclosed copy of telegrams exchanged with the Punjab Government shows that the allegation is unfortunately true. I believe it has been reported that Firoz Khan Noon is one of those so excluded from contesting a seat. I am advised that it would be impracticable to attempt to upset the existing arrangements at this late stage, but the position is obviously unsatisfactory. I presume that it has been avoided in the other ministerial Provinces and I should like to be able to give a convincing reason for the failure of the Punjab Government to avoid it.[8]

12. My Advisers recently had some preliminary and informal discussion of the Report of the Bengal Administration Enquiry Committee. They recognised, of course, that neither the Report itself nor any recommendations on it had yet come up to me officially. On the other hand, some of the Committee's proposals (e.g., for the abolition of Commissionerships) will, if favoured by the Government of Bengal, in due course have to be submitted, through the Government of India, for my approval because of their impact on All-India Services or for other All-India reasons. It was with proposals of this kind that my Advisers principally, though not exclusively, concerned themselves; and in some important respects they were disposed to be critical of the Committee's recommendations. I should be interested to know whether, and if so when, I am likely to receive the views and recommendations of the Government of Bengal on changes requiring my approval, though I recognise that owing to the impending change of Governor and the general political situation, very early action is doubtless not feasible.

13. You will remember that I wrote to you on the 28th September[9] regarding the enforcement of the Government of India's controls over industrial

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development in the Indian States, and the effect of the lapsing of the Government of India's powers under the Defence of India Act on their ability to control industrial development in British India. I saw the other day Colonel Slaughter, who is I understand advising the Hyderabad Government on industrial matters. He made to me much the same points as did Mir Laiq Ali about the Government of India's control over Hyderabad imports of equipment and he hinted plainly that in his view Dalal was being obstructive, partly in the interests of Tata's, and that in any case the procedure was excessively slow. He made the suggestion that the Political Department ought to have an economic adviser who would be capable of assessing independently the requirements of the Indian States and enable the Crown Representative to ensure that the legitimate interests of the States were not subordinated to those of British India.

Hyderabad's anxieties, which owing to the presence here of Mir Laiq Ali and Slaughter have been brought to my personal notice, are one only of the difficult and substantial issues on which I touched in my letter of the 28th September. You may well feel that Hyderabad is at least as capable as a British Indian Province of looking after its interests in matters of this kind, though this may not be equally true of some of the less important States. I look forward to having your views about this question as it affects the States.

On the other hand, it is becoming a matter of some urgency to have your views on the rather different question affecting more particularly the Provinces which I raised in paragraph 6 of my letter. For this has come to a head in the official reference from the Government of India now before me,[10] proposing Parliamentary legislation to continue to the Government of India for five years their existing emergency powers in the Provincial field in certain matters. I am well aware of the object primarily in view in the Government of India's proposals, and I do not of course question the need of maintaining, during whatever further periods may prove necessary, control over the prices and distribution of foodstuffs and other essential commodities and the resettlement of ex-Service men, and the continuance of requisitioning powers. Here we have equally felt it necessary to continue wartime controls for several years ahead in the interests of a smooth passage from war to peace economy. What, at first sight, is causing me misgivings is the possibility that by arming the Centre with these great powers under statute and thus enabling it to maintain also a rigid

[6] See No. 225, note 4.

[7] By Mr Piratin. See *Parl. Debs.*, 5th ser., H. of C., vol. 416, 19 November 1945, cols. 4–5.

[8] In tel. 27298 of 10 December, Lord Pethick-Lawrence informed Lord Wavell that Sir S. Cripps had sent him a tel. from the Punjab Election Committee of the Communist Party protesting at the electoral nomination position in the Punjab. In a reply to Sir S. Cripps dated 12 December, Mr Henderson explained the position as given in the Govt of the Punjab's tel. 21 of 24 November 1945. (See Enclosure to this letter.) L/P&J/8/472: ff 166, 161.

[9] L/E/8/3618. [10] No. 3-DC(2)/45 of 9 November 1945. L/E/9/544.

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control over the industrial development of India as a whole, we should find that we had weighted the scales so far in the direction of unitary government as to put fresh obstacles in the way of any prospect of the looser type of federation, which I see that both Nehru and Jinnah mention as a possible solvent of the constitutional problem, if it proved that that solution found favour generally.

I am having your Government's proposals examined with this point in mind, and I will send you more considered views shortly on your legislative proposals in a form on which you could consult those of your Executive Councillors who are concerned. In particular, it may be that the Provincial Governments have not fully appreciated the significance of these proposals, in relation to industrial development; and it occurs to me also that at least in the case of Section 93 Provinces there may be difficulty in presuming that the agreement signified to the Government of India's proposals commits their future Governments to any so far reaching a constitutional development as might emerge from the continuance for several years of the existing degree of control. As you know, my colleagues and I are strongly in favour of promoting the economic welfare of India as a whole. But this could perhaps be achieved more successfully by securing general agreement among the parties on the end in view before the statutory basis for exercising control from the Centre is proposed. You may care to consider whether the provisions of Section 135 of the Act provide an appropriate method for securing such agreement.

The above is only my first impression, and I shall welcome what you have to say on the general question in the light of the points I put to you in my letter of the 28th September.

Enclosure to No. 273

Secretary of State to Chief Secretary, Government of the Punjab

Telegram

IMPORTANT *21 November 1945*

No. 25717. Please reply urgently to my telegram of the 16th November, No. 25348,[11] regarding Parliamentary enquiry about Punjab election arrangements.

Government of the Punjab to Secretary of State

Telegram

24 November 1945

No. 21. Your telegram No. 25348, dated November 16th. New Assembly must be constituted in time for budget session in March next. Results of poll must be accordingly known by end of February and for this purpose nomination cannot be delayed beyond second week in December. But the final

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amendment of electoral roll cannot take place till first week of January, even if minimum period as now prescribed is allotted for due consideration of claims and objections. Result is that new entrants on the roll, though they will be able to vote in the election, cannot themselves stand as new candidates. This regrettable but it affects all parties alike. It was fully realised that complaints must inevitably arise from abbreviated electoral procedure which has been adopted in deference to the wishes of higher authority.

[11] Informing Govt. of the Punjab of Mr Piratin's question; see para. 11 of this letter. L/P&J/8/472: f 184.

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Mr Casey (Bengal) to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: f 279

IMPORTANT CALCUTTA, *8 December 1945, 2.35 pm*
Received at India Office: 8 December, 7.45 pm

435. Following on my telegram No. 429 of 5th December,[1] I saw Azad, Patel and Nehru last night. The greater part of (?talk) (which lasted nearly two hours) followed standard lines. Clearly Patel and Nehru are fire brands of the outfit and are suffering from suppressed frustration, indignation and a rather hysterical impetuosity particularly on Nehru's part. Patel is coldly vindictive. Azad is more detached and theoretical. In course of talk they attributed the breakdown of Simla conference to advice given to the Viceroy by "the I.C.S. who always bow the knee to Moslem League". (?They) also attributed the "threat" in Secretary of State's recent speech to "the I.C.S.". I told them in unmistakeable terms that this was wrong and that I myself and every Britisher in India welcomed what they wrongly described as a "threat". I said that I had no doubt that Congress could plunge India into chaos overnight if they wanted to but I said that they would get nothing out of such a frightful action and that it would not intimidate His Majesty's Government but would be coped with with all the many means at our command. I emphasised that just as Secretary of State meant precisely what he said about pursuing the course outlined towards self-government, so also he meant precisely what he said about not tolerating violence—and both these statements had been greatly welcomed by all of us.

As to prospective (?constituents) to be (sic) Nehru said that Congress would only participate if it was a body capable of coming to decisions which would be implemented and not if it were to be a body making "recommendations" to Government of India or His Majesty's Government, some of which might be adopted and some discarded.

[1] No. 266.

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They said that release of all political prisoners would be an evidence of goodwill on our part. I said that expression "political prisoners" was rather misleading so far as Bengal was concerned. The small number that we still had in detention were all top leaders of various terrorist organisations, men of violence—and that we had considerable evidence that they had not undergone any change of heart. I said I believed that peace and quiet in Bengal depended largely on this hard core being kept in detention at least until after election.

Sudhir Ghosh (see my telegram 427)[2] came to see me this morning with a letter from Reynell on a minor provincial matter. He went on to ask if I would give him my impressions of last night's meeting. I took opportunity to repeat with emphasis the principal matters dealt with in this telegram, which will of course go straight back to Gandhi.

Repeated to Secretary of State for India.

[2] No. 265.

275

Mr Casey (Bengal) to Lord Pethick-Lawrence

L/P&J/8/670: f 7

GOVERNMENT HOUSE, CALCUTTA, *9 December 1945*

My dear Secretary of State,

I write in reply to your Secret letter of November 6th[1] regarding allegations that arrested persons are maltreated by the subordinate police. I have taken the best advice open to me in this matter—and I believe that the following puts it in its correct light.

The fact that these allegations relate primarily to Bengal and Bombay does not necessarily mean that the offences are more prevalent in these provinces than in other parts of India. It is almost the custom with a certain type of offender in Bengal to accuse the police of maltreatment in order to explain injuries on their persons which might otherwise provide circumstantial evidence of their implication in some criminal activity and to create prejudice in their favour and generally to cloud the issues.

Nevertheless, there is no doubt that suspected and accused persons are occasionally maltreated in Bengal—but not to anything like the extent alleged or popularly supposed. Enquiries show that the complaints are usually frivolous or greatly exaggerated.

There is general agreement here with the advice to which your letter refers,—that so far as proceedings under the Criminal Procedure Code are involved, there is very little opportunity for the Police to indulge in physical violence

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towards persons in their charge, and there is much risk to themselves if they should do so.

Maltreatment would tend to take place before formal arrest—and, as I say, I am advised that it does occur from time to time. But usually the victim would complain to the magistrate before whom he is later produced. If the magistrate has reason to suppose that there may be some truth in the complaint, he holds an enquiry or orders a police enquiry. Our responsible officers have instructions to deal severely with anyone who has been shown to have maltreated an accused person. I am advised by the Chief Secretary and by the Inspector-General of Police that these instructions are faithfully carried out. Every case of enquiry is reported to the Inspector-General who is responsible for seeing that the punishments awarded to guilty officers are adequate.

There are no instructions in Bengal to the effect that a Magistrate must ask every prisoner, when first produced before him, whether he has any complaint to make. I would not believe such an instruction to be necessary, for the public in Bengal are not slow to complain, whether or not they have a real complaint. Nor is it correct in Bengal that if the prisoner alleges maltreatment all proceedings in the case must cease. Such an allegation would usually invalidate any confession which was then being recorded, but it would not stop the case going its ordinary way while the enquiry into the complaint was being made separately.

This is about all the information that I can give you on the subject. On the whole I do not believe that the position—though certainly capable of improvement—is at all bad. I have no reason to believe that responsible officials do not exercise themselves to secure this improvement.

It is not only a question of improving the standards and training of the police investigating officers. It is as much or more a question of improving the general education and standards of the people, and of creating conditions in which the police and the people are in a closer public accord than at present obtains,—but this of course, is a slow business and touches the whole problem of raising standards generally and of creating greater unity between the Government and the people.

I am,
yours sincerely,
R. G. CASEY

[1] No. 193.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 46 *9 December 1945*

My dear Pethick-Lawrence,

I have no new letter from you to acknowledge, but there are several points about which to write. This letter will go off from Calcutta. I am to see Gandhi on Monday evening but have made it clear in a Press note that there is no question of a new move or of negotiations of any kind. This was necessary to allay the suspicions of the minorities and to take some of the wind out of the Congress' sails—they have been using the interviews with Casey and the projected interview with me as an electioneering advertisement.

Possibly it would have been better if Casey had not seen Gandhi so often but it was difficult to refuse his requests, and I do not think any harm has been done. You have seen reports of the interviews that took place.

2. The Press reactions to the Parliamentary statement were about as satisfactory as one can expect though *The Times of India* was the only paper that was in any way enthusiastic. I send by this bag some extracts from *Dawn*, *The Times of India*, *The Statesman* and *The Hindustan Times* on the subject.[1] I am quite sure that the statement did good, and I attach importance to the firm sentences about law and order. The comparative moderation of the utterances of Congress leaders has continued so far as I have seen reports, but the licence granted to the Press has been grossly abused in some cases, and I send you cuttings from the *National Herald*, Lucknow, of December 5th[2] and the *Leader* of Allahabad of the same date.[3] The United Provinces Government are considering demanding security from the *Herald* and presumably will take similar action against the *Leader*. Hallett has been staying with me for a few days on his way home. He is a friend of over 50 years standing, as we went to a private school on the same day, and on to Winchester together.

3. Home Department have just sent out a letter[4] to Provinces making it clear that there is no absolute ban on prosecutions for seditious speeches or on the taking of security from newspapers. I mentioned the intention to do this in my last letter.[5] I am sure you will agree when you see the cuttings from the *National Herald* and the *Leader* that things have gone quite far enough.

4. The cuttings I have sent this week include some about the Parliamentary Delegation. Jinnah as you will see is by no means enthusiastic, but I do not imagine he will make any trouble. I hope it will be possible to decide very soon

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what is the composition of the Delegation so that arrangements for its programme may proceed.

5. I will write to you separately after my return to Delhi about a Breakdown Plan.

6. In my letter of the 27th November[6] I referred to the list of political prisoners which you received from Miss Marjorie Fry, and I enclosed a copy of a letter from the Bengal Government about the cases of 21 prisoners who were serving life sentences and who might soon be considered for release, under the usual practice at the end of 14 years. These 21 prisoners are of course not included in Miss Fry's list, and are in a different category. But I do not think I can properly urge Provincial Governments in a matter that is within their own competence, to treat persons who have served sentences on a footing different from that on which other cases of detention or proposed detention are treated. All I could do is to ask that *all* cases of detention be kept under constant review, and this is being done.

7. Dalal has put in his resignation from Council. I have been expecting it. He says he has been impelled to do so by his domestic circumstances. But he adds that it is not possible to make much progress under existing conditions; co-operation from other Departments has been lacking and the political atmosphere is such that all plans are condemned by the public. He says he has no intention of making any political capital out of his resignation and will discourage any attempt to do so. I asked him to keep his resignation to himself for the present; he promised to do so, but asks to be relieved by the end of January 1946. He is good enough to add that he is grateful to me for "very valuable support and guidance", and even says that this has been "the one source of strength and inspiration". He and I have got on quite well together, but he is a weak character and has really run out for political reasons. He does not want to face the new Assembly. And I don't think he has ever hit it off with his colleagues, especially Mudaliar whom he accuses of jealousy. At present I see no advantage in trying to secure a non-official for the post with such a brief tenure of office in prospect. It would be undignified to have a succession of refusals and that might be the result of trying to secure a good non-official. I will discuss the arrangements to be made with Benthall, the senior member of Council here at present, and will let you know my views. But I think that for the next few months the best thing will be to keep efficiency primarily in view. I shall very likely ask Mudaliar to take on the portfolio.

8. I saw Sir Charles McLaren of the Ministry of Supply Goodwill Mission on the 7th December. He seemed quite pleased with his tour.

[1] Not printed. [2] See Annex. [3] Not printed. [4] No. 267. [5] No. 268, para. 6.
[6] No. 246, para. 9.

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9. My tour to Bahawalpur was quite interesting, the State is at present entirely agricultural, with irrigation from the Sutlej; but there are projects for industrialisation in a small way. I laid the foundation stone of a new hospital and fulfilled one or two engagements. We had a good duck shoot one morning. The Nawab himself is pleasant and intelligent, his fault is an irresistible impulse for spending largely on altering or adding to his palaces, and to other financial extravagance, which has had to be curbed in the interests of the State. The revenues are now in a prosperous condition, thanks to administration by a British Prime Minister.

10. I held the first meeting of the Co-ordination Committee of Council on the 6th. The Committee will I think be useful, the main advantage of it lies in its Secretariat under Sir Eric Coates—The Government of India is now a very large and rather amorphous body and Coates' efforts at co-ordination of Departments are likely to be valuable. He can also do a good deal to straighten out relations between the Provincial Governments and the Centre, and there is shortly to be a Conference with the Provinces at which a large variety of subjects is to be discussed.

11. I enclose a copy of the speech I am making at Calcutta.[7] This address to the Chambers of Commerce has somehow come to be recognised as the Viceregal review of the condition of India and of the political situation. I shall not get a good press, but nothing short of an election speech for Congress would do that now-a-days.

Annex to No. 276

L/P&J/8/470: ff 81–3

CUTTING FROM THE *NATIONAL HERALD* DATED THE 4TH DECEMBER 1945

HALLETT'S SERMON

By Sri Sampurna[na]nd

Normally, there is nothing very interesting about the speeches made by governors and humbler members of the same clan at police parades. These speeches follow a close pattern. Except for a few names of persons and places, there are the same platitudes, the same emphasis on law and order, the same complaints about the apathy of the general public. But the speech delivered by Sir Maurice Hallett at the parade held in Lucknow a few days ago introduces a new feature. He realises that a new order of things is soon to be ushered in; he notes with anger and chagrin that the Congress, which he had set out to pulverize, is now stronger than ever, he knows that he will no longer be able to throw dust in the eyes of the public or shield his minions from the consequences of their misdeeds.

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DUTY OF GOVERNMENT

The provincial elections are yet to be held. Sir Maurice is afraid that his demoralized army will not be able to muster spirit enough to make an effort to prevent the Congress from sweeping the polls. He has, therefore, told his loyal policemen that they need not feel dispirited. He has drawn attention to the Instrument of Instructions to the Governor, which enjoins upon him the duty of protecting the services from victimisation, and he has gone so far as to impress the hope that even Congress leaders, once the election is over, will realise that "it is a primary duty of government, however it may be formed, to maintain the public peace and security, and that an efficient and well-disciplined police force is essential for this purpose." He also assures us that revolt and revolution will not conduce to the well-being and prosperity of India.

REVOLUTIONS

Sir Maurice Hallett is a great political philosopher, but even lesser men know that revolts and revolutions are not ends in themselves. No man, in his senses, no responsible leader of men can talk lightly about these things, but political theory admits the undeniable existence of the right and the duty to rebel, if all other methods of changing an undesirable government prove ineffective. A revolution is not a direct source of national well-being, but it has a legitimate place in the life of nations because there are obstructions to national prosperity which nothing else can remove. The sermon which Sir Maurice preaches might have appeared very comforting to English kings like Charles I and James II, to the Bourbons, the Romanoffs, the Hapsburgs and the Hohenzollerns but the world would certainly have been the poorer, spiritually and materially, if there had been no Puritan Revolution, no French Revolution, no Russian Revolution. If Sir Maurice and his political tribe will not quit India otherwise, there will have to be a revolution in this country as well. As a matter of fact, we are already in the midst of one.

IGNOBLE PEACE

Even a truth becomes a weary truism if it is prostituted to some ignoble ends. Everyone wants peace and security. Everyone realizes the necessity of having an efficient and well-disciplined police force. Everyone knows that the maintenance of law and order sometimes compels members of the police force and other government services to perform very unpleasant duties which bring them into conflict with popular sentiment. They cannot function efficiently if they are not protected from victimisation. But bringing an offender to book for his misdeeds, for those acts of his for which there is no legal warrant, no justification in equity or morality, is not victimisation. All that Congress leaders have said

[7] On 10 December 1945. See *Speeches by Earl Wavell. From 26th October 1943 to 21st March 1947* (New Delhi, Governor-General's Press, 1948), pp. 99–109.

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in their election speeches is this, that where Government servants have gone beyond the law on the strength of the immoral sanction they derived from the words and instructions of unscrupulous superiors, they will be brought to book.

SOME CRIMES

Huge fortunes have been made by those in charge of rationing, price control and civil supplies. The offenders are known and it will not be impossible to establish guilt in many cases. That Sir Maurice deliberately turned the blind eye on their actions is no exoneration. Their guilty consciences must be telling them that his brave words can secure them no indemnity.

We want peace and security, but peace and security, law and order reign supreme in the grave. We do not want such peace in the country. Where patriotism is a crime and faithlessness to one's country a meritorious deed, where thought and speech are regimented, where children are not permitted to play at soldiering with dummy wooden rifles lest the foundations of the state should be shaken, where schoolboys are rusticated for listening to a casual speech of a national leader, where students are encouraged to act as spies against one another and the facts of history are tortured to bring about denationalization of the people, where millions die of starvation and disease it is hypocritical to talk of peace and progress. The peace that reduces a whole people to a mass of soulless, voiceless mummies must be broken at all costs, and those who seek to impose it branded as a gang of criminals.

The acts perpetrated by the police and the magistracy in the period immediately following August 9, 1942, had no legitimate connection with maintenance of law and order.

HUMILIATING PEOPLE

Humiliation of the people and unbridled sadism are no evidence of efficiency and discipline.

Did the interests of peace and order require that men should be suspended from the branches of trees and flogged in this position?

Does Sir Maurice Hallett seriously assert that he found it impossible to maintain peace unless his loyal policemen were permitted to rape women in public and extort fines by holding children over the fire before the eyes of their mothers?

Do the King's instructions promise protection even in cases of this kind?

Special rewards were given to the jail staff for its meritorious services to the state. One example of such services came to light in the famous Udho Narain case at Bareilly. There are a hundred others equally bad, many much worse.

Is the successor of Sir Maurice Hallett pledged to protect these men, even if they are found guilty by competent courts of law?

Will it be victimization if public men bring such cases to light?

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CRIMINAL REGIME

The criminal regime of terrorization and lawlessness, which Sir Maurice Hallett let loose over the province, is nearing its close. Corruption, nepotism, bribery will soon follow him into an ignominious end. This period will remain with us like the memory of a bad dream. One can understand the retiring Governor's solicitude for those who forsook humanity, decency and national self-respect for his sake. But he must know, if he has ever cared to study history, that nations have tenacious memories and do not easily forgive those who betray them. It is not every traitor that meets with the peaceful death of Judas Iscariot.

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Sir A. Hope (Madras) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/208: f 19

SECRET GUINDY, *10 December 1945*

No. 10/1945

2. Closely linked with the election campaign has been the question of the I.N.A. trials. After the trouble in Madura, where the police opened fire, I thought it wise to ban all meetings and processions held primarily in sympathy with the I.N.A. prisoners; but, naturally, they were bound to find their way into general election speeches. Intelligent opinion here is bewildered or jubilant, according to the political outlook of the person concerned. The general view is that we have handed first-rate election propaganda to the parties at large and that the Congress are making the most of it—in spite of their statements to the contrary —as a focal point of expressing nationalist feeling against the British. Secondly, it is considered that we have put ourselves in an impossible situation; thanks to Nehru & Co., whose example is being followed down here, a tremendous attempt has been made to make national heroes of the I.N.A. and the attempt has had considerable success among a large and emotionally unstable section of the public. If the accused are executed or given long terms of imprisonment, there is the danger of a popular outburst; if, on the other hand, they are pardoned we shall be letting down our loyal men, with the result that they may well feel that loyalty does not pay. People here do not see what the solution can be, and they consider that the cardinal error was made by bringing these men to India and not dealing with the leaders in summary courts martial on the spot. Europeans, particularly in Ootacamund, are getting very jumpy indeed and I hear about people who had intended staying on for a year or so more wanting to get passages earlier for fear of serious disturbances, mutiny, etc. This sounds unjustifiably alarmist, but it is quite a widespread feeling.

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Lord Pethick-Lawrence to Mr Attlee

L/PO/6/102c: ff 401–2

CONFIDENTIAL INDIA OFFICE, *10 December 1945*

Secretary of State's Minute: Serial No. 28/45

Prime Minister,

You will be aware that when the Indian Statement was made in the Commons last Tuesday, considerable opposition was expressed to the proposed parliamentary delegation being under the auspices of the Empire Parliamentary Association.[1] This was voiced both by Eden and by Maxton and supported by several other members on both sides of the House. This view was reiterated in a small adjournment debate on Indian matters on Thursday evening.[2]

I had a talk to-day with the Lord President and the Chief Whip. We are agreed that we must abandon the idea of the delegation being under E.P.A. auspices, and that instead it should be chosen formally by the Lord Chancellor and the Speaker. There are precedents for this in the delegations which went to China and to Germany.

Some desire was expressed in the Commons that terms of reference should be laid down for the delegation. The Lord President and I are agreed that this should be resisted. We propose to proceed accordingly if this has your approval.[3]

PETHICK-LAWRENCE

[1] *Parl. Debs.*, 5th ser., H. of C., vol. 416, 4 December 1945, cols. 2102–10. See also No. 247, note 5.

[2] See *Parl. Debs.*, 5th ser., H. of C., vol. 416, 6 December 1945, cols. 2653–8.

[3] On 10 December Mr Attlee minuted on Lord Pethick-Lawrence's minute: 'This was my view at the time. Approved.' L/PO/6/102c: f 386.

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Sir H. Twynam (Central Provinces and Berar) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/194: f 20

SECRET GOVERNOR'S CAMP, CENTRAL PROVINCES

No.R–62–G.C.P. AND BERAR, *11 December 1945*

On the whole, I am inclined to think that there has been some slight improvement in the morale of our officers since the gale of abuse moderated, but I am informed that most of our clerical staff voted for the Congress at the elections and presumably allowed this to be known. I do not think that the majority of

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Indian Government servants will find much difficulty in accommodating themselves to a Congress Government unless they happen to be Muslims. Muslim officers in this Province will have a thin time, I fear, when Congress returns to power but they are few in number. As to our European officers, I am afraid that it is true that the predominant thought among them is to get out while the going is good. Few British officers in the I.C.S. and I.P. now look to their Services as providing them with adequate careers or expect to serve more than 3 or 4 years and the question uppermost with them is whether to take immediate advantage of the proportionate pension rules or to hold on till the end with a prospect of compensation for loss of career. I am inclined to think that an early announcement of compensation terms, provided they are reasonably generous, would be more helpful in stabilising the British element in the Services than, for example, the retrospective war allowance which the Secretary of State has suggested as a means for making the Services contented.

Ultimately, as roundly stated by the *Independent* of Nagpur, it is doubtful whether the Secretary of State can adequately protect officers of any grade against unfair and discriminatory treatment except in so far as he can secure fair terms for retirement for British officers.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/8/525: f 277

IMMEDIATE CALCUTTA, *11 December 1945, 11.10 am*
Received: 11 December, 9.50 am

Unnumbered. I had 40 minutes with Mr. Gandhi yesterday evening. He had nothing special to say. I impressed on him harm being done by present violent speeches of Congress leaders and necessity for some agreement between Hindus and Moslems. He admitted danger of violence and indicated that he was trying to reduce temperature. He said he had as far as possible tried to reach agreement with Moslems but that British tried to divide and rule. I countered this and he then entered on a defence of Congress Ministries in 1937/39 and their attitude to Moslems. Rest of talk was mainly a statement by him of his creed of non-violence and pictures of a world extricated by his creed. I merely said it would not come in our time and immediate need was prevention of violence in India in near future. He was friendly and seemed in good health. By all reports he is trying to lower tone and Congress obviously do not want trouble at present though I do not think there is any real improvement in their attitude or alteration of their intentions.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/WS/1/943: ff 20–1

IMMEDIATE INDIA OFFICE, *11 December 1945, 1.10 pm*

TOP SECRET

27364. Superintendent Series. In view of Auchinleck's appreciation[1] to the Chiefs of Staff, Prime Minister has asked me[2] to obtain from you full report as to what is being done to maintain morale of Indian Forces particularly in the following ways:—

(*a*) Welcome home parades and victory parades.
(*b*) Increase of pay and conditions of service.
(*c*) Awards of land on general scale quickly given.
(*d*) Propaganda to villages in which the fighting men live.

I am aware of proposed arrangements for victory celebration in Delhi and of the custom of arranging welcome parades to returning units. If this custom is generally maintained it no doubt meets point (*a*) taken with decoration parades. As regards pay, there have, of course, been substantial increases during the war but some elements of pay will fall to be withdrawn, e.g. war service increments. Is it contemplated that any increase in peace-time emoluments should accompany such reductions? I am aware of limitations as regards grants of land but should be glad to know what is being done and whether these are now being made. Point on which I should particularly welcome full information is village propaganda. I should also be glad of any more general comments you may have.

[1] No. 256. [2] No. 271.

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Lord Pethick-Lawrence to Mr Attlee

L/WS/1/943: ff 19, 25–7

INDIA OFFICE, *11 December 1945*

Secretary of State's Minute: Serial No. 29/45

Prime Minister.

Your Minute M. 180/45 of the 6th December.[1] I attach a note by General Mayne, my Principal Staff Officer, which deals with the four points you raise under (a) to (d) of your paragraph 2.

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I have, however, asked by telegram for the latest information regarding the steps being taken under all four heads and particularly in regard to energetic and improved methods of propaganda in the villages.

PETHICK-LAWRENCE

Enclosure to No. 282

8 December 1945

1. The C. in C. India in paragraph 12 of his appreciation[2] concluded that "The reliability and spirit of the Indian Forces including the police will best be secured by a firm and explicit declaration by H.M.G. to the effect that, while they maintain their intention to grant self-government to India by constitutional methods:—

(a) Any armed insurrection will be put down, by force if necessary, and the leaders punished.
(b) Government servants will be supported to the full.
(c) The police and troops acting in the execution of their duty will be protected at the time and thereafter."

2. A statement on the above lines was made in both Houses of Parliament on the 4th December. It has been suggested that the Chiefs of Staff in a telegram to the C. in C. asking for elucidation of certain points in his appreciation should say:

(i) "Do you consider the statement made on the 4th December in the House of Commons will allay tendencies to disaffection?"
(ii) "In view of this statement what degree of disaffection, if any, do you now anticipate?"

3. I have no doubt that the Viceroy and C. in C. are considering all methods of fostering the loyalty of the Indian Forces. The information we have here on the points raised by the Prime Minister is as follows:—

(a) *Welcome to units returning from active service.*

(i) It is the custom of the Indian Army to arrange welcome parades and tea parties, etc., in the Station to which a unit returns after having been on service. It is known that this practice has been observed generally with units returning from the late war but the India Office is not able to say categorically that it has been observed in every case. Indian officers and other ranks who have been decorated for gallantry have received official welcomes on their return to their Training Centres (been garlanded) and special parades held in their honour.

Whilst we have no official knowledge of receptions arranged for returning soldiers under civil auspices, P.O.W.'s on return to Bombay

[1] No. 271. [2] No. 256.

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have been met by the Governor and entertainments arranged at other places by the W.V.S.

(ii) It is intended to hold a Victory Celebration week in Delhi in March 1946 and the organisation of this is in hand.

(iii) At least three V.C. parades—attended by large crowds—have been held in Delhi at which the Viceroy has personally decorated recipients.

(b) *Pay.*

A statement is attached which shows that there have been very considerable increases to I.O.R.s' pay since the beginning of the War. It seems most unlikely that the Government of India would see their way to any further increase—at any rate to the extent which might have any appreciable result—in view of the consequent financial effect which would be very heavy.

As regards conditions of service other than pay, it is presumed that the P.M. has in mind living conditions and amenities. The P.M. is aware of the drive that has been in progress for the past year to improve "welfare" for all troops in India and of the degree of success achieved in surmounting the many difficulties that confront an extensive building programme and the provision of stores etc. in short supply. The C. in C. has nevertheless been able to announce that Indian troops will benefit by the same scale of amenities as British troops.

(c) *Grants of Land.*

It is known that the Government of India, in conjunction with Provincial Governors, have been considering, for many months, the possibility of making grants of land to service personnel in pursuance of the tradition of rewarding good service by this means. The results of their investigations are not known in detail, but it is believed that suitable land in the Provinces which is available for distribution among the more than two million men in the Indian Army could suffice to benefit only a negligible proportion.

(d) *Propaganda.*

(i) It is recognised to be vital that every effort be made to present the truth to serving men's villages in order to counteract the impression given by the distorted version of all happenings, e.g. the I.N.A. trials, that are now appearing in the vernacular press. No record of recent broadcasts is available, but a study of programmes on All-India radio up to August 1945, shows that talks on reconstruction and current problems are given frequently. These are likely to be purely objective in nature and not calculated to press home the Government point of view on controversial issues such as the above. A political issue of importance is raised if All-India radio is to be used to counter Congress propaganda on these questions, and whatever the decision on

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this it is to be remembered that the effect of Government propaganda would be limited by the scarcity of receiving sets in the many thousands of villages requiring to be reached. But it should be possible to reach all serving personnel through sets in unit lines.

(ii) India Soldiers' Boards, amongst other things, deal with the problems of allowances paid to soldiers' dependents and might be a useful medium of propaganda.

(iii) During the War what were known as "Josh Groups" were formed in units to inculcate hatred of the Japs in the minds of all soldiers. It is understood that these have now been dissolved, but their resurrection as study groups in order to discuss current problems might have a good effect on the men whilst still in their units.

4. Whilst there is not now time before the elections take place to initiate effectively such projects as increases in pay or grants of lands to the extent that they might be practicable, it is suggested that the Viceroy might be asked for further information on general lines regarding steps being taken to improve morale particularly by energetic and improved methods of propaganda. The Commander-in-Chief is watching the situation closely and has naturally decentralized to lower formation Commanders.

A. G. O. M. MAYNE
General.

Comparison of rates of pay of certain ranks of the Indian Army as in 1939 & 1945

	1939		*1945*	
	In India (a)	*On Service outside India (b)*	*In India (c)*	*In S.E.A.C. (d)*
Sepoy with 3 years service	19. 8. 0.	27. 8. 0.	33. 8. 0.	52. 8. 0
Havildar with 3 years service as such	31. 8. 0.	45. 8. 0.	47. 0. 0.	75. 0. 0.
Jemadar with 3 years service as such	85. 0. 0.	104. 8. 0.	105. 0. 0.	141. 0. 0.

Notes

(a) Includes Proficiency pay and Deferred pay.
(b) Includes (a) plus Batta and Expatriation allowance.
(c) Includes Proficiency pay, Deferred pay and War Service Increment.
(d) Includes (c) plus Batta, Expatriation allowance and Japanese Campaign Pay.

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Chiefs of Staff to General Auchinleck (via Cabinet Offices and special channels)

Telegram, L/WS/1/1008: ff 184–5

TOP SECRET *11 December 1945, 5.12 pm*

[Unnumbered.] Following from Chiefs of Staff.

Reference your appreciation on internal situation in India.[1]

1. We are confronted with the practical problem of making plans for the possible movement of British forces to India in certain eventualities. To enable us to prepare these plans it is necessary for us to have further particulars.

2. We note that only the two extremes of complete loyalty and general disaffection in Indian Armed Forces are considered; also that you have sufficient forces in first case. We also imagine that you must envisage a situation, somewhere between these two extremes, occurring and that you will be making plans to deal with it. Before we can present the whole case, together with our [re]commendations, to His Majesty's Government, we first require to know:—

(a) The broad principles of your plan for dealing with internal situation caused by varying degrees of disaffection.
(b) How would British troops be employed? This might affect the type of any formation sent.
(c) What reinforcements of land and air forces and what assistance from R.N. would be required for each stage?
(d) What phasing of movement would your plan require?
(e) How much notice do you expect to be able to give?
(f) Reference Viceroy's telegram 2065–S[2] to Secretary of State for India, what are your views on reinforcements by British troops?
(g) Reference your paragraph 12. To what extent do you consider statement made on 4th December in House of Commons will allay tendency to disaffection?

3. We should also like to have further information on following points:—

(a) Reference your paragraph 9(b) and (c). Have you any further information regarding likelihood of Afghan incursion or Frontier risings? In case of former, do you consider forces you now have available on Frontier sufficient to deal with it?
(b) Reference your paragraph 6. We would be glad to know what steps are being taken to combat these factors. Now proclamation has been made are there any other steps which we can take here to assist in counteracting disaffection?

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(c) We should like more details of your cover plan for an early introduction of British troops.
(d) To what extent do you consider you can rely on R.I.N. and Royal Indian Air Force?
(e) Reference your paragraph 10 (a). Usual degree of co-operation between Commanders-in-Chief in preparation of a plan to meet emergency should be adequate.
(f) Reference your paragraph 10 (c). We cannot reconcile your statement of air transport forces available in emergency with Air Ministry information. Request you enumerate units on availability of which you are counting. Our world-wide resources of transport aircraft will have been drastically reduced by Spring 1946 owing to end of lend/lease. Essential therefore that we should have details of your plans for use of transport aircraft including total requirements and proportion of twin-engined aircraft necessary which will be in short supply.

4. A very early reply is requested.

5. If it would be any help, we could send you an expert in Deception to assist in its preparation. He would, of course, be on temporary loan.

[1] No. 256. [2] No. 240.

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Minute by Mr Attlee

L/WS/1/943: f 14

10 DOWNING STREET, WHITEHALL,
12 December 1945

Reference: Secretary of State for India's Minute to Prime Minister. No. 29/45.[1]

It is extraordinary how little interest the India Office seem to take in these matters.

C. R. A.

[1] No. 282.

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Lord Pethick-Lawrence to Sir S. Cripps

L/PO/6/102c: f 157

INDIA OFFICE, *12 December 1945*

Dear Stafford,

Thank you for your letters of December 3rd[1] and the two enclosures which I am now returning.

As far as I understand the main purport of the longer enclosure, it is in accordance with an idea that I have frequently expressed that our position in India would be more firmly rooted if our representatives had always acted as old family solicitors whose business it is to put what their clients want into suitable terms, rather than as dictatorial mentors (heavy father, governess, or drill sergeant) whose business is to make their subordinates act in accordance with their views.

Probably among our personnel in India today are people of both types of mind and it would be a little difficult to set up a simultaneous organisation of persons who would conform to the better pattern, and I do not think your correspondent seriously suggests this.

As to preparations for the Treaty, these are of course already going on both in this Office and in the Government of India. Before agreeing to set up some further organisation for the purpose I should like to be a little clearer as to what it is that your correspondent has in mind. The main purposes of the Treaty are, first, to safeguard British interests in India and, second, to assure the stability of the Indian fabric itself. As to the second it may well be that Indians could be taken into consultation fairly early. But as to the first, I should have thought that our requirements must be formulated first.

However, this is one of the subjects about which I should like to have a talk with you. I understand that you will be busy until the end of this week, and I shall be busy at the beginning of next week with the financial business in the House of Lords both on Monday and Tuesday. Perhaps we might arrange some time after that and I am asking my Secretary to get in touch with yours to arrange a suitable time.

Yours sincerely,

PETHICK

[1] Presumably Nos. 261 and 262.

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Lord Pethick-Lawrence to Mr Attlee

L/PO/6/102c: ff 354–6

CONFIDENTIAL INDIA OFFICE, *13 December 1945*

Dear Prime Minister,

I understand that Herbert is going to have a word with you this afternoon with regard to the personnel of the delegation to India and in particular with regard to the question of whether Reginald Sorensen should be one of the members. Herbert feels that Sorensen is not quite up to standard and should be excluded. Though I share to some extent the feeling that Sorensen is not one of the ablest members of the Labour Party, I nevertheless feel that it is essential he should go. He has a dual claim, first as a member of the India League and, secondly, as Chairman of the Parliamentary Labour Committee on India.

Some little time back Sorensen with other members of the India League, including Dobbie, Cove, and several others, came to ask me to allow them to go at their own expense (which I presume means Congress funds) to India at once. I refused this and told them that I hoped some other body of Members of Parliament might possibly be going. Of this somewhat poor bunch I think Sorensen is much the best and, though mixed up with the India League, is, I think, open to learn. If I were to refuse any member of the India League to go I think it would create considerable offence. If we were to choose a body of people excluding those Members of Parliament who have taken a special interest in India I think it would be most unfortunate and would alienate Congress and have other undesirable repercussions. I have spoken to Sir Stafford Cripps on this point and I find that he is very strongly of the same opinion as myself. If Sorensen is allowed to go I think it will greatly improve his outlook which appears to be already broadening. I met the Parliamentary Committee a few days ago and they seem to me to have gone some way to understanding the true position of affairs in India.

I am making the Statement in the Lords about 4 o'clock this afternoon[1] and at 5 o'clock am presiding at a meeting of the Executive of the E.P.A. If you should wish to see me in the House of Commons I could probably come in between these two events or after the latter meeting to suit your convenience.

Yours,

PETHICK-LAWRENCE

[1] In his Statement, Lord Pethick-Lawrence announced that in view of certain criticisms and the fact that the Indian Branch was in partial suspense, the Parliamentary Delegation would not now visit India under the auspices of the Empire Parliamentary Association. Lord Pethick-Lawrence did not announce the composition of the Delegation. *Parl. Debs.*, 5th ser., H. of L., vol. 138, cols. 653–5. See also No. 292, para. 3.

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Mr Attlee to Lord Pethick-Lawrence

L/PO/6/102c: f 353

10 DOWNING STREET, WHITEHALL,
13 December 1945

Prime Minister's Personal Minute: Serial No. M. 191/45

Secretary of State for India.
The inclusion of Sorensen must depend on the numbers going. He has always taken a line at variance with the official policy of the Party. I do not wish the *Party* to be misrepresented.

Who are the others suggested?

C. R. A.

288

Sir J. Colville (Bombay) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/166: f 6

CONFIDENTIAL GOVERNMENT HOUSE, BOMBAY,
Report No. 54 *14 December 1945*

3. The Calcutta disturbances awakened a very small echo here amongst the students. No one was seriously hurt, a few arrests were made and fines imposed, and one revolver shot was fired by a policeman, which had the desired result of dispersing the crowd. Noone was hit. This was described in the papers as police opening fire on students, but the true facts were made known, and there has been no recrudescence. The rows in Calcutta have had a good effect here in bringing forward the non-violent element to use their influence. That, I gather, has been happening on a larger scale in the Congress High Command, and I think that my forecast of 2nd November,[1] that the feeling between Gandhi and Vallabhbhai Patel and Nehru on the subject of violence was coming to a head, has proved correct. I hope that for the time being at any rate this will produce useful results. Certainly there are signs of piping down here, though a lot of intemperate speeches have been made, and some of them might be actionable if we think it wise to pursue them. That is a matter of judgment, and at the moment I am inclined to think that it is best to let the present *détente* produce its own effect, but we must watch the interests of our Revenue officers and police. Your speech at Calcutta[2] has had a good Press; attempts to pull it to

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pieces have been feeble and ineffective, and only tend to disclose the barrenness of the Congress election campaign. The one desire of the main parties is to demonstrate their strength, and they consider catchwords like "Quit India" and "Pakistan" the easiest method of doing so. I am not sure, however, that there is not some thinking going on in the background, and your speech, if I may say so, was the best stimulus to thought that there has been for some time. The statement from H.M.G.[3] has, I believe, had a steadying effect in spite of its mixed reception.

[1] No. 183. [2] See No. 276, note 7. [3] Annexure I to No. 247.

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Mr Horace Alexander to Lord Pethick-Lawrence

L/PO/6/102c: f 156

144 OAKTREE LANE, SELLY OAK,
BIRMINGHAM 29, *14 December 1945*

Dear Lord Pethick-Lawrence,

I understood from what you said on Monday that you are giving serious thought to the proposal to establish something on the lines of Milner's South African "kindergarten" as a first step towards the preparation of a Treaty with India.

May I suggest that in this connection you might find it useful to see Major J. McL. Short, now working for the Ministry of Information at Corpus Christi College, Cambridge? Major Short was doing Army liaison work in India in 1942 and has had considerable experience in India. During the past two years he has given much thought to this proposal. He was a member of the Chatham House group that was working on it some months ago, and he has continued to give much attention to the subject. I think you will find that he has very clear ideas about how it could be brought into being, and how it could be made acceptable to Indian political leadership.[1]

Yours sincerely,
HORACE ALEXANDER

[1] Lord Pethick-Lawrence minuted: 'until I have decided the major issue the question of personnel and approach remains in abeyance. Send him a simple acknowledgement.' On 18 December, Mr Turnbull wrote to Mr Alexander saying that Lord Pethick-Lawrence was obliged for the suggestion made about Major Short. L/PO/6/102c: ff 154–5.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/4/27: ff 21–2

PRIVATE AND TOP SECRET INDIA OFFICE, *14 December 1945*

My dear Wavell,

I think I should let you know for your personal information that an approach has recently been made to us by the United States Secretary of State for assistance in obtaining American requirements regarding military bases in British and other territory. The approach primarily concerns various islands in the Pacific some of which are our own or under Empire mandate and other[s] of which the sovereignty is disputed between us and the Americans. It also concerns Iceland and the Portuguese Atlantic Islands, but in addition they have included a request that the United Kingdom should keep herself or get under United Kingdom control two existing bases in India, one at Karachi and the other outside Calcutta.

The Americans consider that these two bases are strategically important and apparently contemplate concluding arrangements in advance of the establishment of an International system of security under the United Nations Charter, though all bases acquired would be available to the Security Council on its call.

There are grave objections both political and military to any action taken now which would tend to prejudice the establishment or success of the World Organisation and we have expressed our apprehensions to the Americans on that score and are awaiting their reply.

When this matter came up here for discussion among Ministers it was decided that action on the lines suggested by the United States Government should not be taken in regard to the two bases in India. Our view was that if, after the grant of Dominion Status to India, we desire to retain any air bases in India, the negotiation for their retention would naturally form part of the Treaty negotiations in connection with the final political settlement.

The Foreign Secretary is most anxious that this information should be confined to the smallest possible circle and I am therefore sending it to you by private letter. I have no objection of course to your showing this letter to Auchinleck if you judge it desirable, but as there is clearly nothing to be done about it at present you may prefer to keep this information to yourself at any rate until something further transpires.

Sincerely yours,

PETHICK-LAWRENCE

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

R/3/1/108: f 63a

TOP SECRET *14 December 1945*

My dear Wavell,

This is in reply to your letter of 5th December No. 676/15/G.[1] I am with you entirely in your desire to encourage personal contacts between officials of the India Office and in India. The difficulty is to spare key people who are the ones for whom contacts of this sort are most valuable. It would be particularly difficult to spare Monteath though he would very much like to come out. I think that it might be possible to spare him for a short visit during the first two or three months of next year, as Croft is returning to us at the beginning of the year as Deputy Under Secretary of State.

I can see, however, that, though the second half may prove even worse, the first half of next year is going to be a sufficiently strenuous time at this end too; and I do not think I could spare Monteath to make anything like an extended tour in India, valuable though this would be. What, however, might be of immediate value would be for him to come out and confer with you and your officials on the "breakdown plan" which you refer to in the first paragraph of your private letter of the 5th December.[2] Thought is of course being devoted to this here also: and when we get and are able to compare the suggestions evolved here with the suggestions which you are having worked out it may well be desirable for Monteath to come out and talk them over. But I doubt if the materials for a visit with this sort of purpose will be ready before the end of January and I cannot form a definite view at this stage whether it would be likely to be useful.[3]

Yours sincerely,

PETHICK-LAWRENCE

[1] Not traced in India Office Records. [2] No. 268.

[3] Minutes by Mr Abell and Lord Wavell read: 'What a wobbly letter! I doubt the use of discussing any breakdown plan with Sir D. Monteath alone. G. A. 19/2'. 'None at all. M[onteath] is quite useless anyway. W. 19/12'.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET

INDIA OFFICE, *14 December 1945*
Received: 19 December

First let me send you my congratulations on your speech at Calcutta. I thought you hit entirely the right note both on the constitutional question and on the I.N.A. trials and Indonesia. It is unfortunate in a way that you do not get more frequent opportunities of speaking to the Indian public but this gives added weight to what you say on the occasions when you do review the situation. I think your speech and the Statement made here last week will do a lot to correct the many misleading speeches which have been made. I get the impression that the Congress are rather slackening the tempo on the Indian National Army. This may, I suppose, be due either to their coming to see that it is not in the long run a very good cause for them, or possibly to the general tendency towards a temporary détente to which you refer in paragraph 5 [?2] of your letter of 5th December.[1]

2. I quite agree, however, that the fact that Congress are drawing in their horns a little does not make any the less serious the possibility that they may resort to 1942 tactics quite soon after the elections and we must be on our guard against that.

3. There has been a rather tiresome delay over the Parliamentary delegation. This is due to opposition developing to the delegation being under the auspices of the Empire Parliamentary Association. I should have preferred that myself because it gives the visit a more normal appearance and distinguishes it obviously from anything in the nature of an enquiry or commission. The E.P.A. has done very good work in organising goodwill contacts between the members of Legislatures in different parts of the Empire and of course Indian branches have been entertained here. But the fact that there had been no invitation from India on this occasion made it appear to a section of the House of Commons that His Majesty's Government were using it improperly as a means of achieving their own ends, and the feeling against it in this context has been so strong that we have felt compelled to give way to it. We have now made a further statement that the delegation will proceed independently.[2] There is a precedent for this in the visit of Members of Parliament to Chungking during the war. We have been careful in the Statement in both Houses to make it clear that there will not be any terms of reference and that the party will not be asked to make any report. The delay may mean that we have to postpone the departure

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of the delegation for a few days, but I hope to be able to telegraph on that before you get this letter.

4. I was interested in Casey's reports of his conversations with Gandhi.[3] I quite saw the difficulty which you felt in inviting Gandhi to come and see you. I think, however, that Casey's talks with him probably achieved our purpose which was to break down any appearance of declining contacts with Congress leaders. I am glad that you were able to take the opportunity of your visit to Calcutta to see Gandhi yourself[4] even though as you say Gandhi seems to have remained true to form.

5. I note what you say in paragraph 13 about Joshi. He has been a good man in his time and I shall be sorry to see him go out of the Central Legislature, but of course I accept your view that the time has come. I hope that you will be able to secure among the nominated members good representatives of Labour. I received a great many representations, when it was first announced that elections were to be held, that even in the Provinces the restricted franchise under the 1935 Act prevented proper representation of the labouring classes in India. That applies even more to the existing Central Legislature. I had of course to reply that it was not practicable to introduce adult franchise without delaying the elections for at least a year, quite apart from the administrative difficulties in Indian conditions. There is, however, naturally a strong feeling among members of my Party and among Trade Unionists that the upper classes in India are over-represented. It is, therefore, important from my point of view that we should lose no opportunity which is open to us of rectifying this position. The Indian Federation of Labour have been urging over here that at least 4 of the seats for non-officials nominated to the Central Legislature should go to Indian workers and be equally divided between the Indian Trades Union Congress and the Indian Federation of Labour. Shiva Rao has written to Henderson[5] urging that it is anomalous that there should hitherto have been only one nominated Labour representative, namely Joshi. This may have been all right in 1919, but the developing position of Labour has been recognised in the provincial provisions of the 1935 constitution. Shiva Rao also urges that 4 seats, if not more, should be given to industrial labour, particularly as the Central Legislature deals with the problems of railwaymen, colliery workers, seamen and to some extent tea plantation workers. He urges that each of these categories should have a representative technically nominated by you, but in fact elected by regularly constituted Trade Unions. I gather that Shiva Rao's view is that there should be 4 nominated Labour representatives in the Assembly and further nominations to the Council of State where there has hitherto been no Labour representation. Similar representations were made by the Seafarers Members of

[1] No. 268. [2] See No. 286, note 1. [3] See Nos. 259, 260, 264, and 266.
[4] See No. 280. [5] In a letter dated 1 December 1945. L/P&J/8/483.

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the Indian delegation to the Maritime Conference at Copenhagen. These were sent officially to your Public Secretary in India Office letter of 11th December, Pol. 10809/45.[6] You may care to look at this which urges Seamen's representation in view of the war services of Indian seamen.

I should be most grateful if you would consider the possibility of an increase of these dimensions, and let me know your views. I very much hope you will be able to go some way at any rate to meet what is a widespread feeling among my supporters and is, I think, justified on the facts of the situation.

6. I am glad to have the information in paragraphs 14 and 15 of your letter about Ambedkar's proposals for Labour Legislation and Social Security. I am very glad to hear that legislation of this kind is contemplated though I realise it is no use for the Government of India to bite off more than it can chew. I shall be grateful if you will keep me informed officially and in some detail of what is proposed in these fields. There is a good deal of interest among my supporters in social and economic progress in India. I do not want to interfere too much in these matters, but it is very desirable that Henderson and I should be able to give Parliament information about them whenever we are asked, and also to refer to these things in parliamentary speeches.

7. Henderson showed me your letter[7] to him about General Wauchope coming out to India to visit you. My Private Secretary has since heard from Wauchope that he is leaving in a few days' time and I find that arrangements have already been made for him to go out by air. I am afraid that if the matter had come to my notice earlier I should have felt some difficulty about it because I do feel that it is likely to be embarrassing if people are able to fly out for pleasure visits so long as sea passages are controlled, while we are maintaining that Members of Parliament can only go by air in limited numbers and under authorised arrangements. Apart from this there is the general anomaly of people travelling on short visits when there are so many people who have for a long period been denied, by the circumstances in the war, facilities for re-uniting their families and for whom we are still not able to provide. I gather Wauchope is staying for two or three months. I hope you may be able to keep him on until the homeward passage situation is relieved. When you see him please convey my personal greetings to him as he has entertained me more than once in Palestine.

What about Miss Agatha Harrison and Mrs. Brailsford?

W.

8. You will remember that you mentioned in paragraph 12 of your letter of 5th November[8] your hope that the Mufti of Jerusalem would not be treated as a war criminal. I passed your views on to George Hall and he has now written to tell me[9] that it has been decided that the Mufti should be sent to the Seychelles along with other Palestinian renegades and be detained there as a political

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prisoner, once he is handed over by the French. This is in accord with your view that he should not be treated as a war criminal, but should be kept in retirement somewhere away from the Middle East. This decision is of course one of extreme secrecy and I should be grateful if you keep it entirely to yourself.

[6] *Ibid.* [7] Not traced in India Office Records. [8] No. 190.
[9] In a letter dated 13 December 1945. L/PO/5/38: f 57.

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Sir S. Cripps to Mr Henderson

L/P&J/8/472: f 160

BOARD OF TRADE, MILLBANK, S.W.I., *16 December 1945*
Received: 21 December

My dear Arthur,
Thank you for your letter[1] about the Punjab elections.

I understand the difficulty but I am afraid it is because of unwillingness that the difficulty is not being overcome.

Yours,
STAFFORD

[1] See No. 273, note 8.

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Mr Abell[1] to Field Marshal Viscount Wavell

R/3/1/109: ff 1–1b

17 December 1945

Breakdown plan

I have made it clear in the short note below the draft agenda[2] for the Conference that H.M.G. will, in the last resort, make its own decision on any vital point on which agreement cannot be reached. This, combined with Y.E.'s attitude towards excessive League claims at the stage of selecting the Executive Council, will certainly be noted as a warning by the League. Unfortunately it may tend to encourage the Congress to be unreasonable, but that cannot be helped.

[1] The authorship of this minute has been determined from other papers on R/3/1/109.
[2] See Enclosure 4 to No. 315.

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On the critical Pakistan issue I think two points of principle are clear:

A. If the Muslims insist on self-determination in genuinely Muslim areas this must be conceded.
B. On the other hand there can be no question of compelling large Non-Muslim populations to remain in Pakistan against their will.

The attractiveness of Pakistan dwindles almost to vanishing point if Calcutta and western Bengal are lost, and if in the Punjab two whole divisions also are lost—and these areas must in justice be attached to Hindustan, not to Pakistan. One hopes that a Pakistan consisting only of the predominantly Muslim areas will in due course come into the Federation, and that the Muslims may even decide at the start on the far wiser course of staying in the Federation.

It is essential to go all out for a settlement, and I think no settlement is possible unless the full Pakistan claim is rejected as soon as a breakdown occurs. I do not agree with Mr. Menon[3] that it will be possible to leave over the issue till the final stage when provinces decide whether or not to accede. It is tempting to try this, but even if the issue can be put off the result may be that Northern India will remain under its present constitution for a time, and I think this would be highly embarrassing to H.M.G. and provide no solution.

The Sikh problem is a very serious objection to any type of Pakistan, and under the award I suggest below the Sikhs would, if the Muslims insisted on Pakistan, be situated some on one side and some on the other of the Frontier. But this cannot be helped.

The Breakdown award should I think be as follows:—

"The Convention must be a negotiating and not a legislative body. A constitution for a Union agreed by the Convention and accepted by not less than 6 provinces will be accepted by H.M.G. for those provinces and states that accede, subject to negotiation of a treaty as contemplated in the Cripps offer. If any provinces decide, even by a bare majority vote in their legislative assemblies, not to accede, H.M.G. will take steps to secure their separate constitutional advance to dominion status, but as soon as the Union is formed large areas (not less than Commissioner's divisions) which adjoin the Union may opt to join the neighbouring province and become part of the Union. The decision in such a case will be taken at a special meeting of provincial MLAs representing territorial constituencies in the area in question. A bare majority will decide. If any states decide to accede neither to the main Union nor to any Union of non-acceding provinces that may be formed, H.M.G. will consider further what should be done in such cases".

The effect of this award will be that two divisions from the Punjab and the whole of Western Bengal including Calcutta will join the Union. By such an award Muslim bargaining power will be very much reduced and it will prob-

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ably be necessary to make it clear to the Congress that H.E. is still concerned to secure fair terms for the Muslims in the Union.

If the Congress felt very strong at the time they might conceivably reject an award of this sort. In that case one would probably be up against a mass movement because no further concession would be possible. At least one would be on good ground from the point of view of world opinion since it would be hard for anyone to say that the award was unjust.

I think myself that the Congress would almost certainly co-operate but that there might be serious trouble with the League. The League is however a much weaker organisation than the Congress; it has no effective press; its leaders might not be prepared to go to jail and its rank and file have not been brought up in the technique of agitation. Moreover the fact that the award offers self-determination to predominant Muslim areas would reduce considerably the number of those prepared to participate in a really violent agitation. H.E. would have full support presumably both from Hindu India and from World opinion.

The award would in effect be the debunking of Pakistan on which Governors were keen at the last Conference;[4] and on the recent tour both Sir Andrew Clow and Sir Thomas Rutherford expressed strongly the view that the right way to get a solution was to bring pressure to bear on the Muslim League rather than Congress. I think this is correct both from the point of view of justice and from the point of view of expediency.

[3] See No. 269, Part II. [4] See No. 2.

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Cabinet

India and Burma Committee. Paper I.B. (45) 24

L/P&S/13/1827: ff 348–54

Proposed Redefinition of His Majesty's Government's Obligations to the Indian Princes

Memorandum by Secretary of State for India

India Office, *17 December 1945*

The Committee will remember that at a meeting on the 11th September[1] the Viceroy suggested that we should frankly warn the Princes that in view of the changes which have taken place since their Treaties were negotiated there are

[1] No. 105.

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very definite limits to the extent to which we shall be able to honour obligations incurred in quite different circumstances. I was asked to review the practicability of action on the lines proposed, and on 25th October[2] the Committee discussed my memorandum I.B. (45) 14[3] on the subject. The conclusions of the Committee were broadly that, as a prelude to some formal statement defining the limits within which the States could in future look to the Crown for protection, the Viceroy should consider holding informal conversations with some of the leading States. The necessity of taking steps to rationalise the smaller States should also be kept prominently in view. The Viceroy should be asked to submit drafts of his Brief for the informal conversations and of the formal statement which might subsequently be made.

Meanwhile, the Viceroy had received shortly after his return to India a delegation of Princes. I did not receive the report of this meeting until after the Committee's discussions on the 25th October but I now append the relevant part of it as Annexure I. It will be seen that the Viceroy agreed to consider the Princes' request that an assurance should be given, in Parliament as well as in his opening speech at the Chamber of Princes early in January, that the Crown's relations with the Indian States would not be transferred to another party without the Rulers' consent. He told the Princes that he assumed consent would not be unreasonably withheld.

I conveyed[4] to the Viceroy the conclusions of the India and Burma Committee's meeting on October 25th and have now received his reply.[5] He is clearly opposed at this stage to entering himself on informal conversations of the kind suggested, the effect of which, in the absence of a clear statement of H.M.G.'s policy (which we are not yet in a position to make), would in his view be most unsettling. But he thinks the best plan would be for him to refer to the question in his opening speech to the Chamber of Princes in the terms of the draft which I append as Annexure II. The Viceroy makes the following comment on the terms of his draft:—

[*There follows the text of the last para. of No. 257 from 'I would deprecate . . .' in the first sentence to the end of the para.*]

I am inclined to agree that a statement on the lines now proposed would be the most useful course at the present stage. The whole position in regard to the all-India political situation and the prospects of the constitutional discussions after the elections is still so uncertain that it seems undesirable to go further in the direction envisaged in my memorandum I.B. (45) 14 than the terms of the Viceroy's draft. Moreover (as the Viceroy has pointed out) the statement would give Residents the necessary lead in their conversations with Rulers and Dewans, and would prepare the ground for any formal statement which may be considered advisable later. The course proposed is, in fact, broadly in line with the programme mapped out in the India and Burma Committee's discussion.

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As regards the assurance requested by the Princes' delegation that their relations will not be transferred to a third party without their consent, the Viceroy has taken the sting out of it by his proviso that consent will not unreasonably be withheld. In its present form it need not, I think, alarm us.

The Viceroy also suggests that by means of an arranged question in Parliament I should make a statement similar to that which he will deliver to the Chamber. This is a matter which I propose to consider when the time comes; there will be a gap of probably a fortnight between the Chamber meeting and the reassembly of Parliament.

I accordingly propose

(1) to authorise the Viceroy to use the draft submitted by him in the course of his speech to the Chamber;
(2) to request him, in the light of the Princes' reactions to it and of the all-India situation in the New Year, to consider submitting the draft of a more formal statement to be made either in connection with the convening of the constitution-making body (at present he is clearly against doing so at that stage) or at some later stage in the constitutional discussions;
(3) to say that we assume he will give particular directions to the various Residents to use every opportunity, in their contacts with Rulers, for impressing upon them the necessity of (a) the important States co-operating wholeheartedly in the shaping of the new India (b) the smaller States rapidly setting their houses in order, in accordance with the advice to be given by the Viceroy in his speech.

P.-L.

Annexure I to No. 295

TREATY RIGHTS

The Chancellor made it clear that the Princes attached great importance to the maintenance of their Treaty Rights. This had been assured through solemn Proclamations and assurances. The Princes were prepared to adjust with the changing times, but there should be no unilateral alteration of the rights and obligations arising under Treaties and Engagements. The Delegation urged that there should be no weakening of the States' position at this juncture.

The following specific proposals were made by the Chancellor:—

(i) The assurance should be unequivocally reiterated that there shall be no future transference of the relationship of the States with the Crown without their consent to any other authority. This assurance may be given in Parliament and by His Excellency at an appropriate occasion in the near future, perhaps at the next session of the Chamber of Princes.

[2] No. 168, Minute 2. [3] No. 137. [4] No. 197. [5] No. 257.

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(ii) A small *Committee* of three or five representatives appointed by the Standing Committee should meet the Political Adviser from time to time to review and examine all complaints from States in regard to departures from Treaty Obligations and agreed policies. Existing *complaints* have been tabulated under general headings, as was successfully done at the time of the Codification Committee set up by the Viceroy in 1919. These complaints also could be considered by the Committee proposed above. Thereafter outstanding matters, if any, could be submitted by the Chancellor to the Crown Representative.

(iii) In regard to *personal and dynastic* matters the Princes' request is that the principle *quoted below, which was accepted by the Viceroy in the open Session of the Chamber in 1930 and by Lord Willingdon in the discussions in 1933 and followed for some time in a number of cases, should be implemented in future. The practice has been discontinued in last few years after having been followed in the past, and may be resumed.

*The Crown Representative may consult the Chancellor and one or two other Princes who may be friendly to the Ruler concerned before taking extreme measures or final decision. This procedure need not be applied in the case of Rulers who may desire continuance of the existing arrangement.

(iv) The machinery** suggested by the Princes may be implemented in regard to *general matters* affecting them.

**Questions of general policies (e.g. those covered by the functions of the Chamber of Princes under its constitution) affecting the States may be discussed in the first instance with a Committee consisting of the Chancellor, the Pro-Chancellor, the Chairman and Vice-Chairman of the Committee of Ministers and one member to be co-opted from time to time by this Committee.

His Excellency said that he appreciated the general apprehension, which existed in the minds of Rulers on this point and agreed to consider the suggestion that an assurance should be given both in Parliament and in his opening speech at the Chamber of Princes that the relations of the Indian States would not be transferred without the Ruler's consent. His Excellency understood that consent would not be unreasonably withheld, and the Chancellor confirmed this. His Excellency added that the exact terms of such an assurance would require careful consideration.

As regards alleged departures from accepted policy, His Excellency said he would await the list of complaints, which the Chancellor proposed to send to the Political Adviser.

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Annexure II to No. 295

DRAFT PARAGRAPHS FOR SPEECH BY HIS EXCELLENCY THE VICEROY TO THE CHAMBER OF PRINCES

[*There follows the text of Enclosure to No. 257.*]

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 47 *18 December 1945*

Thank you for two letters, dated the 30th November and the 7th December.[1] This should arrive about Christmas time and I send you and your wife very good wishes for Christmas and the New Year. 1946 will be a critical year in India's history, but if we fail to make real progress, it will not be from want of trying on my part or, I know, on yours.

2. Before this arrives you will have received two telegrams[2] from me on your proposal to make a Christmas or New Year broadcast.

3. My discussions of a plan of action and of a breakdown plan are now nearly complete. It is a very difficult problem, but I hope you will feel when you get my recommendations that they provide some hope of progress even in the event of a complete breakdown between the Congress and the Muslim League. The first fence, the formation of a new Executive Council, is going to be the most awkward. If we can get safely over that, I believe we could face the rest of this National Course with some confidence.

4. I expect you have noticed Jinnah's interesting statement on Pakistan. I send a cutting from the *Statesman* of the 12th December in this bag. The important point he made was that after Pakistan had been admitted "there will also doubtless have to be frontier adjustments where primarily Hindu and Muslim lands are contiguous to the Hindustan or Pakistan States, as the case may be". I fear that the adjustments Jinnah would contemplate are very minor ones compared with the adjustments the Congress would expect, which are of the nature almost of half provinces. But this statement of Jinnah suggests that he may not refuse to negotiate, and that at least is satisfactory.[3]

[1] Nos. 254 and 273. [2] See No. 273, note 1 and No. 298.
[3] See Annex. Cf. Annexure II to No. 444 for Mr. Jinnah's statement of 6 December 1945.

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5. I am just back from an interesting tour in Calcutta, Assam, and Bihar. In Calcutta I made my speech to the Associated Chambers of Commerce,[4] and you have already seen a copy. The press reception was reasonably friendly, all things considered. I have reported to you the result of my discussions with Gandhi. It is typical of the old man that directly after leaving me he had an interview with General Arthur Smith, G.O.C.-in-C., Bengal, and delivered himself of a long diatribe against the British and all their works, going back to the Mutiny and beyond, and ending with the Simla Conference.

I think that the Calcutta disturbances and your statement caused a modification in Congress policy. I do not think Casey's talks were a deciding factor, the main Congress object in them was to gain prestige and publicity, and to give the impression that we were negotiating. They are clever at this. A typical Congress device was shown the other day, when the Nationalist Press displayed prominently a report that Gandhi had had a telephone call from London, which was understood to be from Cripps, to consult him on the personnel of the Parliamentary delegation! Subsequent denials were either not printed or put in an obscure paragraph. But the indications are at present that the Congress are definitely going to study moderation until after the elections, and this is satisfactory. There is, however, no change of heart or of purpose.

6. The Congress manifesto is an omnibus document designed, like most election manifestoes, to please everybody. So far as the protestations of the Congress go, no member of a minority community need have any fear of ill-treatment under a Congress government. I send a copy of the manifesto by this bag.

7. In Assam we camped on the edge of the Northern Tribal area. One afternoon we had a sort of combined Durbar and jamboree for selected tribesmen from the hills. They are attractive, primitive little men still at the bow and arrow stage, and an archery exhibition was one item in the programme. They brought simple little goodwill presents of chickens, eggs, straw hats, bows and arrows, small bowls, dancing masks, beads, goats, sheep and even a young bison, which I gather was subsequently sacrificed and eaten. I gave them rum and tea which I was told would be thankfully received. The next day I flew over some of the new posts which have been established to vindicate our right to the territory this side of the McMahon Line. We flew right up a fine deep gorge in the Himalayas and I believe we crossed the border between India and Tibet, though I would not like to admit this officially. Just over the Tibet border we turned round and returned down the same valley. The mountains towered above us on both sides and we could not have turned without crossing the border. It is formidable country, but I hope it will be possible to maintain the forward posts by dropping supplies from the air.

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The problem of the future of the Tribal areas of Assam is a difficult one. Clow will shortly submit his views and the whole question will then be examined.

8. In Bihar I flew over the very wide expanse of country which has been ruined by floods from the Kosi River, and the next morning motored out to the edge of the floods and visited by boat a village of which most of the land is under water. There the local Congress politician, who is the Secretary of the Relief Committee, made loud speeches before me, partly I think with an electioneering eye on the villagers standing round. The floods present a very serious problem, and if there is any remedy, it probably lies the other side of the Nepal border. I am trying to get the best advice available here and to secure an aerial survey of all the relevant part of the river's course. The approval of Nepal will of course be necessary. It is probable that I shall then enlist your help in securing advice from the United Kingdom, or shall approach America, where they probably have more experience of the control of wandering rivers. The Kosi has moved 30 or 40 miles well within living memory. I understand that the Darbhanga estate alone loses Rs. 5 lakhs a year from the floods caused by this river; so that it should be possible to secure considerable contributions towards the cost of any large scheme of control. The Maharaja of Darbhanga alone might profitably invest a crore of rupees in controlling the Kosi river. I stayed with the Maharaja who is a friendly but not impressive fellow and exceedingly rich. He has a vast estate, and as he has no territorial jurisdiction, escapes the cost of administration. Rutherford was in fairly good heart, but is apprehensive as to what would happen if there was another mass movement in Bihar.

9. The food situation does not look any better, in fact it is very definitely worse. I wish we could have helped over cloth for Siam in order to improve the procurement of rice there; but we went to the limit when we agreed to raise our export quota from 400 million yards to 500 million yards. This happened very recently and it is impossible for us to increase the limit again. The latest news from Madras is that there has been further damage owing to the failure of the rains there, and already Food Department have had to telegraph to you asking for accelerated imports of wheat.[5] I realise the impatience with which India's demands for imports of food are received, but we simply cannot avoid famine in this country without substantial and timely imports and must have assistance.

10. You asked me in your letter of the 23rd November[6] for further comments on the general attitude of Hyderabad. The Nizam has large ideas about Hyderabad as an independent State, with increased borders and a port of its

[4] See No. 276, note 7. [5] Tel. 10245 of 13 December. L/E/8/3329. [6] No. 231, para. 12.

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own; and would vehemently oppose any transfer of the State's relationship with the Crown to any other authority. This was the State's policy from the beginning of the discussions which led up to the 1935 Act. The Hyderabad Government would like Hyderabad to continue as a unit distinct from the rest of India and in relations with the British Crown: under the pressure of events they may consider a loose federation, but it would have to be very loose indeed to meet their ideas.

[Para. 11, on the proposal to depose the Maharaja of Rewa; para. 12, on the proposal to transfer ordnance factories at Ishapore and Cossipore to Cawnpore; para. 13, on passages for women war workers; and para. 14, on the ex-Sultan of Turkey's burial, omitted.]

15. Thank you for your efforts to minimize the embarrassment caused by the use of Indian troops in Java. General Lane, who is Mountbatten's representative in Delhi, came to see me a day or two ago, and I told him I would like (*a*) to be able to make a statement soon after January the 21st (when the Assembly meets) to the effect that Indian troops will not be employed in active roles after a date to be named, and (*b*) even if (*a*) is not possible, to be assured that Indian troops will be withdrawn from all active roles by the middle of March when I shall have to start trying to form a new Executive Council.

16. There are several points in your letter of the 7th December about which I am making enquiries or taking advice. I will answer each of them as soon as I can.

17. I enclose a cartoon taken from the *Hindustan Times* of the 18th December.[7] If any prospective members of the Parliamentary Delegation come to see you, you may care to show it to them. It does indicate two things clearly. One is that we do not curb the Press here, and the other is that any remark by M.P.s at home which can be used against authority in India is promptly exploited to the full and given the widest publicity.

Annex to No. 296

MSS. EUR. D. 714/72

EXTRACT FROM THE *STATESMAN* DATED 12TH DECEMBER, 1945

INDIAN PROBLEM COULD BE SOLVED IN TEN MINUTES —MR JINNAH

BOMBAY, December 10.—"Patchwork methods will not work at this stage in India's destiny. What is needed is real statesmanship and real effort to face facts," said Mr Jinnah to an Associated Press of India special correspondent. "We could settle the Indian problem in 10 minutes if Mr Gandhi would say:

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'I agree that there should be Pakistan. I agree that one-fourth of India, composed of six provinces, Sind, Baluchistan, Punjab, NWFP, Bengal and Assam with their present boundaries should constitute Pakistan State.' After that it would be a simple matter to sit down as friends and work out the details of a friendly and neighbourly life between the two great nations of this sub-continent.

"Canada and the United States live together. Why can't Hindus and Muslims, granted there may have to be many adjustments? It is possible that there will have to be exchange of populations, if it can be done on a purely voluntary basis. There will also doubtless have to be frontier adjustments where primarily Hindu and Muslim lands are contiguous to the Hindustan or Pakistan States, as the case may be. All that can come but first it is necessary to take the present provincial borders as the boundaries of the future Pakistan.

"Our Pakistan Government will probably be a federal government modelled on the lines of autonomous provinces with the key power in matters of defence and foreign affairs etc., at the Centre. But that will be for the constitution-making body, our constitution-making body, to decide.

"I personally do not doubt the sincerity of the British Government but I do doubt the sincerity of those who profess to see any hope of a settlement outside the granting of full Pakistan to the Muslims of India."

[7] Not reproduced in L/PO/10/22.

297

Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/PO/10/25

MOST IMMEDIATE *18 December 1945*
CONFIDENTIAL

No. 27925.[1] Following is text of my proposed broadcast:—

Begins. All over the world the year 1946 will be greeted in men's codicil [*sic*] with new hope and new resolve. For the first time since 1938 we stand at the gate of a year of peace.

In all parts of the world there are wounds and scars of war. 1946 will be a year of healing in which the world will be taking its new shape. Where will India stand and what will she be in that new world?

It is because 1946 will be a crucial year in India's age-long history that I felt I should like to speak to you personally today. I want you to realise that I myself, the British Government—recently returned to power with an overwhelming majority—and, I believe, the whole British people, earnestly wish to see India

[1] In tel. 27924 of 18 December, Lord Pethick-Lawrence informed Lord Wavell that he intended to make his broadcast on 1 January and discussed arrangements for it. L/PO/10/25.

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rise quickly to the full and free status of an equal partnership in the British Commonwealth. We present no obstacles to India's attaining that position. There is no longer any need for denunciations or organised pressure to secure recognition of India's due position in the world. If there ever was a time when there was cause for that it is so no longer.

The problem now is a practical one. It is to work out a rational and acceptable plan of action. It must be a plan under which authority can be transferred to Indian control under forms of government which will be willingly accepted by the broad mass of India's people so that the new India will not be torn and rent by internal strife and dissension. This is essential for India's welfare. It is also essential to the life of the world. The new world organisation needs members who are strong and determined in the cause of world peace. They can only be so if they have internal harmony and cohesion.

To attainment of this practical objective Lord Wavell and I and the whole British Government will apply ourselves in the coming year to the best of our ability. We believe that what is so widely desired can be achieved but we must have active help of leading Indians in every community and of every way of thought. It is only through moderation and compromise that great political problems can be solved. Every Indian should use his influence whether it is small or great to further this inspiring cause during the coming year. But it is not only in the political field that I earnestly desire partnership between the peoples of India and Great Britain to be fruitful. I am deeply conscious of India's contribution to the mental, cultural and spiritual life of mankind and I want for my country the opportunity of sharing in your rich heritage and of gaining continued inspiration from your great men and women. If we all bend our minds and wills to this high endeavour we can do something in 1946 for the greatness of India and for the future peace and prosperity of Asia and of the world. *Ends.*

298

Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/10/19: f 112

MOST IMMEDIATE NEW DELHI, *19 December 1945, 11.40 am*
Received: 19 December, 7.40 am

No. 2218–S. Your 27924 of December 18th.[1] I think text of broadcast is excellent.

2. My only suggestion is that you might care to insert statement of definite (?political) programme which I propose to follow next year. This will be welcome news to Nationalists, I think, and may engender goodwill.

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3. I propose to attempt during March to re-form Executive Council, then in April to put before Executive Council proposals for composition and agenda of preliminary conference and to summon conference in May. Date of calling constitution making body will depend on results of conference but I should like to see it formed as soon as possible thereafter.

4. All the above can be announced if you wish. I hope to send home detailed appreciation, plan of action, suggestions for composition of conference and agenda very shortly.

[1] See No. 297, note 1.

299

Cabinet

India and Burma Committee. I.B. (45) 9th Meeting, Minutes 1–3

Those present at this Meeting held at 10 Downing Street, S.W. 1, on 19 December 1945 at 5.30 pm were: Mr Attlee (in the Chair), Sir Stafford Cripps, Lord Pethick-Lawrence, Viscount Stansgate, Miss Ellen Wilkinson, the Earl of Listowel

Also present were: Mr A. Henderson; Mr C. G. Eastwood, Mr E. A. Armstrong, Mr M. J. Clauson (Secretariat)

Minute 1

L/P&S/13/1827: ff 345–6

Proposed re-definition of His Majesty's Government's Obligations to the Indian Princes

The Committee had before them a memorandum by the Secretary of State for India (I.B. (45) 24)[1] in which he reported that the Viceroy was opposed at this stage to engaging himself in informal conversations on this subject with some of the leading Indian States as suggested by the Committee. The Viceroy considered that to do so at the present time in the absence of a clear statement of His Majesty's Government's policy would be most unsettling. The best plan in the Viceroy's view would be for him to refer to the question in his opening speech to the Chamber of Princes in the terms of a draft attached to the paper. The purpose of this statement would be to give an answer to the request made by the Princes that an assurance should be given that the Crown's relations with the Indian States would not be transferred to another party without the Rulers' consent. The Viceroy also suggested that the Secretary of State should make a similar statement in Parliament.

[1] No. 295.

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The Committee agreed that the Viceroy's proposal that he should refer to the matter in his opening speech to the Chamber of Princes might be accepted.

Discussion then turned to the draft text of his statement, and particularly to the second sentence in the first paragraph reading "I can assure you that there is no intention to make any unilateral change in this relationship or these rights and that any such change will require your consent", as qualified by the phrase in the following sentence: "I am confident . . . that your consent to any changes which emerge as a result of these negotiations will not unreasonably be withheld". It was generally agreed that the impression which should be conveyed to the Princes was that we fully intend to abide by our engagements to them, but that constitutional changes in India may have an effect on the relationship between the Paramount Power and the States and that adjustments in that relationship would inevitably follow; in such a situation the Rulers would be expected not to withhold their consent to such adjustments. It was undesirable to do more than indicate this in a general way at present: in particular, nothing should be said to weaken the influence of the States before the forthcoming constitutional discussions in India, in which they might be useful as mediators between the British Indian parties.

It was agreed that it should be suggested to the Viceroy that the second sentence of the first paragraph should be reworded as follows: "I can assure you that there is no intention on our part to initiate any change in this relationship or these rights without your consent." If, however, the Viceroy felt strongly that the original wording should remain unchanged, the proposed amendment should not be pressed.

Alterations were also suggested in the fifth and last sentences of the second paragraph.

THE COMMITTEE:—

(1) Invited the Secretary of State for India to authorise the Viceroy to use the draft submitted by him in the course of his speech to the Chamber of the Princes subject to his consideration of the amendments suggested in discussion.

(2) Invited the Secretary of State for India to request the Viceroy, in the light of the Princes' reactions to the statement and of the India situation in the New Year, to consider submitting the draft of a more formal statement to be made either in connection with the convening of the constitution-making body or at some later stage in the constitutional discussions.

(3) Invited the Secretary of State for India to inform the Viceroy that it was assumed that he would give particular directions to the various Residents to use every opportunity in their contacts with Rulers for impressing upon them the necessity of—

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(*a*) the important States co-operating whole-heartedly in the shaping of the new India;
(*b*) the small States rapidly setting their houses in order in accordance with the advice to be given by the Viceroy in his speech.

Minute 2

R/30/1/6: ff 81–2

Contacts with Indian Leaders

THE PRESIDENT OF THE BOARD OF TRADE read to the Committee a letter[2] which he had received from Mr. Nehru which seemed to be much more hopeful than a previous letter. Mr. Nehru implied that he did not wish to make trouble before the elections and until the Government had had a chance to show that they were taking adequate action after the elections.

He thought it most important that Ministers should take every opportunity of cultivating personal contacts with Indian leaders. He did not regard any of those leaders as irreconcilable. He thought that Mr. Casey's interviews with Mr. Gandhi had already done much good.

There was general agreement with these views. The feeling was that the temperature in India was considerably lower than it had been.

THE PRIME MINISTER said he had seen some very moderate letters from Mr. Shiva Rao.

The attention of the Committee was drawn to a letter received by the Parliamentary Under-Secretary of State for India and Burma from Mr. G. D. Birla,[3] in which the suggestion was made that plebiscites should be taken in the border-line areas of the Punjab, Bengal and Assam, with a view to the re-definition of boundaries on communal lines.

THE PRESIDENT OF THE BOARD OF TRADE considered that we might have to contemplate a division of India into Hindustan and Pakistan as the only solution. It would in that case be necessary to contemplate two Pakistans, one in the west and the other in the east, quite separate from each other. If the Pakistan idea was to be put forward it might well be necessary to make a number of boundary adjustments in order to avoid very large communal minorities.

THE MINISTER OF EDUCATION agreed that it might be necessary to make an offer of Pakistan based on a re-definition of provincial boundaries, but she thought that the practical difficulties of establishing Pakistan might well be found so great that Indian political leaders would themselves eventually drop the idea. It having been found to be impracticable they might then come to a settlement among themselves on some all-India scheme.

[2] Not traced in India Office Records. [3] No. 270.

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THE PRESIDENT OF THE BOARD OF TRADE suggested that it was important for the Government to have clearly defined plans to meet the alternative contingencies which might arise after the elections had taken place. There was the further question whether it might not be desirable to send out a special Mission to India to conduct the difficult negotiations which would be necessary.

THE COMMITTEE:—

Decided that a further meeting should be held after Christmas to discuss in more detail the courses of action to be taken after the elections. In the meanwhile it would be useful if the Secretary of State for India and the President of the Board of Trade could have a preliminary discussion.

Minute 3

L/PO/6/102c: f 282

Parliamentary Delegation to India

THE SECRETARY OF STATE FOR INDIA said that the suggestion had been made that the Parliamentary Delegation should also visit Burma. He was opposed to this proposal but would be glad to have the support of the Committee in resisting it.

THE COMMITTEE:—

(1) Agreed that it was undesirable that the Delegation should also visit Burma.
(2) Suggested that the Secretary of State for India should consider writing to Mr. Jinnah and Maulana Azad expressing the hope that they would have an opportunity to discuss matters with the Delegation.
(3) Took note that the Prime Minister proposed to see the members of the Delegation before they left England about the 1st January.

300

Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/PO/10/25

IMPORTANT
TOP SECRET

NEW DELHI, *20 December 1945, 11.50 pm*
Received: 21 December, 3.40 am

No. 2233-S. Superintendent Series. Reference your telegram No. 27364 of 11th December.[1]

(A) Full publicity is given to the arrival of all Formations from overseas, and welcome is arranged on as lavish a scale as possible. Units and Formations

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are met by District/Area Commanders and where the unit returning belongs to the Province in which the port is situated by the Governor of the Province. Messages of welcome by the Commander-in-Chief both for units and for formations returning as such are read to troops on disembarkation.

Local Commanders at ports of disembarkation are given a special allotment of money to spend on reception arrangements while local civil authorities and reception committees are given every facility to co-operate.

Arrangements for Victory celebrations in Delhi in March are well in hand and Provincial Governments have been asked to co-operate with such Provincial celebrations as they consider suitable. A V.C. presentation parade was held in Delhi on 19th December.

(B) Policy regarding peace-time emoluments has not yet been fully considered. Arrangements are in hand for the setting up of a Committee to examine and make recommendations on post-war pay allowances, etc., for the Indian Services. If the recommendations of the Committee are not available in good time before 1st July 1946 the date on which W.S.I. will be withdrawn from the British Service, I will arrange for a quick view being taken on this matter before 1st July 1946 in the light of the circumstances then prevailing including developments in the political situation.

(C) Awards of land on a general scale cannot be given as the Central Government has no land at its disposal and the majority of Provincial Governments have little or none. Therefore it is not proposed that grants of land should be made by the Central Government. Colonization schemes for ex-service personnel are under consideration by Provincial Governments.[2] Approved schemes will be aided by a contribution from the Central Government.

In lieu of land grants by the Central Government it is under consideration to award monetary awards for meritorious services.

Government grants monetary awards to holders of decorations for bravery. Provincial Governments and States give additional monetary awards and in some cases free grants of land.

(D) Propaganda in villages is directed to praise of the serving soldier and the exploits of the Indian Army.

We are taking active measures regarding units. If we can get the feeling right in units the man going on leave will constitute the best propaganda instrument in the village. There are already signs in a number of areas that stories of P.O.W. who remained loyal are having effect. I.N.A. agitation in the press is on the decrease and there are signs that Congress do not wish to intensify it.

On the whole therefore I consider it is best to continue by our normal means to publicise the Indian Army and to press on with propaganda by personal contact in units and not to attempt any special propaganda drive in villages.

[1] No. 281. [2] 'Provincial Governments' deciphered as 'Chambers of Commerce'.

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The Service papers *Jawan* and *Fauji Akhbar* reach retired service personnel and we are distributing a further 100,000 copies of *Jawan* to civilians. Military Press Liaison Officers are on good terms personally with editors of vernacular papers which still use a fair quantity of our material about the Army though this does not affect their editorial policy of playing up the I.N.A.

301

Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: f 259

IMPORTANT INDIA OFFICE, *20 December 1945*

28106. Your telegram.[1] Broadcast. Many thanks. I think it is best to keep the text free of any new political pronouncement. I appreciate that this may arouse some further criticism, but I feel it is premature to say what you suggest. I should like to consider much more fully your suggested programme which is a new idea to me. I will telegraph again on this subject. I have to record broadcast on Friday and will therefore adhere to the text I have sent you. I am however revising latter part of second sentence and third sentence of paragraph 3 to read . . . "earnestly desire to see India rise to the full and free status of an equal partner in the British Commonwealth. We will do our utmost to assist India to attain that position".

[1] No. 298.

302

Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/22

PRIVATE AND SECRET INDIA OFFICE, *20 December 1945*
Received: 31 December

Thank you for your letter of the 9th December.[1] I am very glad to hear that you think the reception of the Parliamentary Statement was as good as could be expected, and still more that you think it did good. I had a discussion with the Parliamentary sub-Committee of my Party consisting of Members who are particularly interested in India, and I was glad to find that they had on the whole a sensible appreciation of the difficulties and were not under the common delusion that the Congress is the only thing that matters in India. I had a pretty frank talk with them and I think it did good.

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2. I am sorry there has been so much delay over the Parliamentary delegation. We have just got the names and I saw most of the delegates today.[2] I shall telegraph you tomorrow about their arrangements. I saw that the Indian press and a good many of the leaders are critical, but I do not get the impression that when the Members of Parliament arrive they will be cold-shouldered.

3. In paragraph 3 of your letter, and also in paragraph 6 of your letter of 5th December,[3] you said that your Home Department would be addressing Provincial Governments, making it clear that there is no absolute ban on prosecutions for seditious speeches or the taking of security from newspapers.[4] I agree that there should not be a complete suspension of action of this kind where sedition is actually advocated, and the examples which you have sent me certainly go a long way towards if not over the line. I hope, however, that you will guard against abuse of this permission to take action. We must continue to allow some degree of licence in election conditions, and I should not like to be swept into a state of affairs in which prosecutions for extreme language became general or frequent, at any rate without considering the issues further. I should also like to be kept advised promptly of the precise details of cases in which action is taken, as there will no doubt be criticism in Parliament which we must be in a position to meet promptly.

4. It is unfortunate I think that Dalal has resigned, though it does not surprise me. He did not make much of an impression upon me when I saw him just after I had taken office. While I imagine he has been useful on the preparatory work, I daresay it may prove a good thing that when the final decisions come to be taken, someone else should be in charge. I know the difficulties of finding anyone of the right quality, but I should prefer to see someone in that position who has not a recent association with a big business interest in India.

5. In my telegram No. 27364 of 11th December,[5] I asked for a general review for the Prime Minister's information, of the steps taken in certain directions to maintain the morale of the Indian Army. I was interested in this context to read what Hallett said in his letter of 27th November[6] to you No. U.P. 270. He expresses the view, with which I sympathise, that we should counter the propaganda lauding the I.N.A. by noticeable steps in respect

[1] No. 276.

[2] In tel. 28372 of 23 December Lord Pethick-Lawrence informed Lord Wavell that the Parliamentary Delegation would consist of the following Members: Professor R. Richards (Leader), Mr R. Sorensen, Mrs Muriel E. Nichol, Mr A. G. Bottomley, Major Woodrow Wyatt, Mr Godfrey Nicholson, Brigadier A. R. W. Low, Mr R. Hopkin Morris, the Earl of Munster and Lord Chorley L/P&J/10/18: ff 138–9.

[3] No. 268. [4] See No. 267. [5] No. 281. [6] L/P&J/5/274: ff 13–15.

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of those who distinguished themselves by maintaining their allegiance in captivity under great moral and physical pressure. I do not know whether Hallett's idea that some decorations might be given is practicable, but I should in any case like to know what you think about his suggestions. Governors should be much more in touch with political feeling than the military, and I should like to see something done along the lines which Hallett advocates.

6. I recently approved the official reply to the letter from your Commonwealth Relations Department, No. F.-50/44/O.S.,[7] about the proposed agreement on Indian immigration into Burma. From your letters of September 9th[8] and October 29th,[9] I gather that your Council are more or less reconciled to the prospect of receiving an unfavourable ruling on the point at issue; and I hope that the reply will serve to disabuse their minds of any tendency to rely on the so-called Parliamentary assurances of which so much was made in 1941. I recognise that if, on a failure to reach agreement with the Government of India on immigration, the Government of Burma were to introduce legislation restricting the right of entry of Indians into Burma, the question might well arise for discussion in Parliament whether the interests of Indians were in fact protected to the extent desired and intended. In that event I think I ought to warn you that I would find it impossible, on general grounds of policy, to support in Parliament any proposal the aim of which was to make it mandatory on the Government of Burma to differentiate, in respect of the right of entry, in favour of classes of Indians, other than unskilled labour, and it may in fact possibly be desirable at some stage to make a declaration of policy reinforcing the view taken on the narrow question of interpretation with some more general considerations of this kind. On this point I should be glad to have your views.

[Para. 7, on the Indian Art Exhibition in London, omitted.]

8. I am hoping to take the whole of Christmas week off. We have had a very heavy time here since the Government took office and we all agreed that we would try to avoid any Cabinet meetings in Christmas week. It is also the intention that those members of the Higher Civil Service, many of whom have had an exceptionally hard time during the war and since the Government took office, should get a clear week. I shall not, therefore, be writing to you next week. Of course if anything urgent and serious comes up I shall come up to the Office to deal with it.

9. I have been very much preoccupied this week as I was in charge of the Debate on the Washington Agreement in the Lords.[10] The Government was very much assisted by Keynes who made a most brilliant speech on the second day. I am enclosing a copy of the Hansard as I think that you, or at any rate Rowlands, may care to read it in full. I was glad that Keynes was prepared to

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defend the agreement on its merits. The emphasis in the Commons' Debate had been rather too much on the lines of a *faute de mieux*.

[7] Undated. L/P&J/8/214. [8] No. 102, para. 4. [9] No. 177, para. 4.
[10] *Parl. Debs.*, 5th ser., H. of L., vol. 138, 17 and 18 December 1945, cols. 676–775, 777–898.

303

Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/4/27: f 8

PRIVATE AND TOP SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 529/42. *20 December 1945*

My dear Pethick-Lawrence,

Many thanks for your private and top secret letter of the 14th December[1] about military bases. I agree with the line that has been taken. I have shown your letter to Auchinleck but otherwise will keep it to myself.

Might this be termed "basic American"?

Yours sincerely,
WAVELL

[1] No. 290.

304

Field Marshal Viscount Wavell to Lord Pethick-Lawrence

R/3/1/108: f 88

TOP SECRET *20 December 1945*
No. 676/15/G

My dear Pethick-Lawrence,

Many thanks for your letter of the 14th December[1] about the possibility of a visit to India by Monteath. I realise your difficulty over sparing Monteath for any length of time though I am very sorry that he should not have the opportunity of having a tour in India.

2. If there are to be discussions on the "breakdown plan", I think they will have to be in London rather than here. My suggestions will, I hope, reach you very soon.

Yours sincerely,
WAVELL

[1] No. 291.

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305

Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: f 258

IMPORTANT INDIA OFFICE, *21 December 1945, 9.50 pm*

28265. Superintendent Series. Your telegram 2218-S[1] and my telegram 28106.[2]

2. I had assumed that the negotiations for the re-forming of the Executive would proceed simultaneously with and be closely associated with the discussions relating to the setting up of the constitution-making body. Do I understand that you are contemplating a different procedure? If so, I should be grateful if you would amplify your proposals & give me the grounds on which you consider them preferable.

[1] No. 298. [2] No. 301.

306

Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/P&S/13/1827: ff 337–8

INDIA OFFICE, *21 December 1945*

My dear Wavell,

My colleagues and I have considered[1] the proposals made in your letter of the 1st December No. 681/2[2] about the next step to be taken in the direction of a re-definition of H.M.G.'s obligations to the Indian Princes.

2. We are in general agreement with you that in present circumstances the best course will be to deal with the matter, as you suggest, in your speech at the opening session of the Chamber of Princes next month. We have considered carefully the draft paragraphs enclosed with your letter, which seem to give a well balanced presentation of the case. On the one hand, we feel that the time has come to begin "showing the red light" to the Princes; on the other hand, we appreciate the possibility that they may be able to perform a useful role as mediators, in the constitutional discussions, between the British Indian parties, and we should accordingly be reluctant to promote anything at this stage which would thoroughly unsettle them or which would weaken their tactical position when the discussions open.

3. As regards the wording of the draft, the Prime Minister raised one or two points, and I was asked to put them to you for consideration. In the second

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sentence we do not very much like the word "unilateral" which has various unpleasant associations, and we thought it might be well to make as clear as possible the distinction between the fact that, in present circumstances, we have no intention of initiating any changes in the relationship between the Crown and the Princes, and the probability that the result of the constitutional conditions will be such as to necessitate some change. We accordingly suggest that you might consider substituting something like "I can assure you that there is no intention on our part to initiate any change in this relationship or these rights without your consent."

4. In the fifth sentence of the second paragraph, the phrase "as will ensure" does not seem to be quite right. Do you not really mean "as to ensure"?

5. The last sentence of the second paragraph does not seem to us to read very happily as it stands, with the two "hopes" following each other and the phrase "an economy" being used in a wide sense—indeed its proper literal sense—which the Princes might not readily appreciate. We did not agree on any specific alternative words or phrases; but the first of these comments would, I think, be met by the substitution of "expectation" for "hope" in the second place where it is used; while for "economy" the alternative of "state of affairs" was suggested. If you feel that this goes too far in its implications do you think that "conditions" would meet the case?

6. So much for your speech to the Chamber. For the rest, I am authorised—

(i) to request you, in the light of the Princes' reactions to your speech and of the all-India situation in the New Year, to consider submitting the draft of a more formal statement to be made at some later stage;

(ii) to say that we assume you will give particular directions to the various Residents to use every opportunity in their contacts with Rulers for impressing upon them the necessity of (*a*) the important States co-operating whole-heartedly in the shaping of the new India, and (*b*) the smaller States rapidly setting their houses in order in accordance with the advice you are giving in your speech.

Yours sincerely,

PETHICK-LAWRENCE

[1] No. 299, Minute 1. [2] No. 257.

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307

Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/6/102c: f 332

CONFIDENTIAL INDIA OFFICE, *21 December 1945*

My dear Wavell,

I am telegraphing to you separately about the arrangements for the Parliamentary delegation. They wish to leave here on the 3rd January and should arrive on the 5th or 6th.

At a recent meeting[1] with my colleagues it was suggested that I should write to Jinnah and Azad, expressing the hope that they would have an opportunity of discussing matters with the delegation. I have therefore written the letters, which I enclose under flying seal together with copies for your retention, and I should be grateful, provided you see no strong objection, if you will send these letters on by the most expeditious means.

Yours sincerely,

PETHICK-LAWRENCE

[1] See No. 299, minute 3.

308

Lord Pethick-Lawrence to Maulana Azad

L/PO/6/102c: f 334

INDIA OFFICE, *21 December 1945*

Dear Maulana Sahib,

You will, I am sure, be aware that a small delegation of Members of Parliament is coming to India for the purpose of making personal contacts. The Government here have felt that it is a great disadvantage in present circumstances that there has been so little touch between individuals in public life in this country and those in India during the last six years, and that there would be great advantages to both sides in such contacts being renewed. This is the basic idea of this delegation. They will come as individuals and they are not empowered in any way to act on behalf of the Government. On the other hand their impressions will of course be passed on by them to Ministers and others in Parliament.

I write therefore to express the hope that you may be able to meet Members

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of the delegation and discuss matters with them. I am sure that they will very much appreciate any such opportunity for a conversation with you.

I am writing a similar letter to Mr Jinnah.[1]

PETHICK-LAWRENCE

All the season's greetings to you.

[1] See L/PO/6/102c: f 333.

309

General Auchinleck to Chiefs of Staff (via Director of Intelligence, India and Cabinet Offices)

L/WS/1/1008: ff 166–8

TOP SECRET *22 December 1945, 2.45 pm*
IMMEDIATE *Received: 23 December, 12.22 pm*

GRO 0347. For Chiefs of Staff from Auchinleck.

Ref. your tel. number GCCS 17358 dated 11th December 1945.[1] In my appreciation[2] I stressed great importance of maintaining reliability of Indian Armed Forces as if these remain steadfast, forces at my disposal are I consider just adequate now to deal with widespread internal disturbances. Strength of these forces will steadily increase as Indian formations return from Mideast and SEAC provided we are not forced to demobilise an equivalent number of static units. If however Indian Armed Forces generally become unreliable British troops at my disposal are totally inadequate to restore situation or even to protect communications which *would be essential for their reinforcement.*[3] You now ask me whether there is not an intermediate stage between these two extremes and you put certain detailed questions based on the assumption that it is possible to forecast such an intermediate stage.

3. I find these questions very difficult to answer. My present plans are based on the assumption that the bulk of the Indian Armed Forces remain reliable but that there is widespread civil disturbance throughout the country in both industrial and rural districts. This is the firm basis upon which I can make definite plans as I consider that any intermediate stage is so indeterminate as to make it impossible to assess its scope both numerically and geographically.

4. At present there are no signs that any particular class or classes (e.g. Sikhs, Pathans or Madrassis) are more likely to become disaffected than others.

[1] No. 283. [2] No. 256.

[3] The words in italics were missing from the tel. as sent and were telegraphed separately later. The later telegram makes it clear that para. 2 began at 'You now ask me . . .' L/WS/1/1008: f 164.

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Nor can it be said that troops located in one part of India have shown themselves to be more susceptible to subversive propaganda than troops located in other parts. Indian officers who are mostly Nationalists are spread throughout the Indian Armed Forces except in Gurkha units. Similarly the large numbers of better educated and politically conscious men referred to in my appreciation are spread throughout the technical and administrative branches of all three services and comprise men of all castes and creeds.

5. The factors affecting reliability as stated in para. 6 of my appreciation are mainly political and not repeat not military. Congress praise of men of so called Indian National Army as true patriots and extravagant anti-Government abuse are reaching men through civilian contacts if not also directly. Almost all units wherever stationed in India report that men are becoming aware of this propaganda. The uneducated and ignorant are bewildered or at best indifferent. The more intelligent are beginning to wonder where their interests lie. So far there are no repeat no real indications that troops intend to abandon their allegiance to Government or would disobey orders given by their officers. If however morale were to deteriorate gravely owing to continued propaganda and some units mutinied news would spread rapidly and mutiny might become general even if in some cases half-hearted.

6. Even if in these circumstances some units remain prepared to fight for Government against their own people it is impossible to foretell which these units might be and therefore where they would be located. It is likely that Gurkha units may be less affected than others as all their officers are British but Gurkhas are Hindus and not necessarily immune to Congress propaganda. I consider therefore that it is necessary to plan on the two extremes and that the data are too imponderable to enable me to plan usefully for any intermediate stage.

7. Since forwarding my appreciation Congress Working Committee has met in Calcutta and there are signs of a definite change in the attitude of the Congress High Command. Election speeches and propaganda of political leaders have become more sober and less inflammatory. This may be due to premature disturbances in Calcutta and to statements in House of Commons on 4 December and by Viceroy on 10 December. These statements should go some way towards combating disaffection as well as acting as welcome brake upon extremist political leaders but it is too early yet to assess their actual effect on Indian troops. I am taking necessary steps to be sure that these statements are brought to notice of all troops.

8. Congress now show signs of realising that any serious deterioration in the discipline and obedience to authority of the Indian Armed Forces would not be in their own interest should they assume power and that it would be better

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to try first to gain this power by constitutional means rather than by insurrection. At the moment therefore it seems likely that there will be no repeat no widespread disturbances organised by existing political leaders before April 1946, that they are improbable before June. Situation however is liable to sudden changes and is naturally being kept under constant review.

9. Disturbances might be precipitated by Govt. action e.g. arrest of leaders, or they might be result of secret orders and be carefully timed. In latter case we might get no or only very short warning.

10. Replies to your remaining questions, in so far as I can reply to them, follow in my immediately succeeding signal.

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General Auchinleck to Chiefs of Staff (via Director of Intelligence, India and Cabinet Offices)

L/WS/1/1008: ff 169–71

TOP SECRET *22 December 1945, 2.47 pm*
Received: 23 December, 12.21 pm

GRO 0348. For Chiefs of Staff from Auchinleck.

This is signal immediately succeeding my signal No. 60/CDS dated 22 December in reply to your signal No. GCCS 17358 dated 11th December 1945.

1. Gradual introduction now of British infantry and possibly artillery units would certainly be a logical sequel to Government's declared intention to support its loyal servants, and apparent changed attitude of Congress may create favourable opportunity. But we are not dealing with logic so much as with ill will of political leaders who are prepared to discard truth for political ends and who have means of spreading propaganda verbally by agents. This is very difficult to counter amongst largely illiterate people by (preparation?) [?presentation] of truth in Press even if Press were willing to help by giving necessary publicity. If, for example, Congress took line that arrival of British troops was due to distrust of Indian units and British troops were intended to disarm Indian troops and coerce Indian people we should precipitate trouble rather than prevent it.

2. If British troops are sent before disturbances begin they must be preceded by thorough deception plan. I should welcome visit by deception expert but must emphasise that plan must be political rather than military and must be acceptable to Indian Armed Forces and Indian people. Possible line might be that British troops were en route to NEI to relieve Indian troops and were

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halting in India for equipment training and acclimatisation. Such a plan could, however, be effective for limited period only and would in the long run probably produce greater results if it were reality rather than deception.

Steadfastness of Indian troops depends in fact more upon political action rather than upon British reinforcement. If effective deception plan can be worked out British reinforcement required would be of order of three Infantry brigades and 3 Regiments of artillery.

3. If widespread disturbances start and in spite of this Indian Armed Forces remain reliable, need for deception plan disappears and we could take line openly that British troops are arriving for purpose of supporting Indian troops and fighting alongside them. In such a contingency I should welcome earliest possible (arrival?) of three Infantry brigades and 3 Artillery regiments which would be used to strengthen forces in vital areas such as Karachi, Delhi, Calcutta and to act as mobile striking forces to restore the situation. For latter they would be employed by Brigade groups working from firm defended bases.

4. If disturbances have started and Indian Armed Forces generally or in part have proved unreliable or actively hostile, situation is completely different. In this case British formations would be required to land at whatever port could be kept open and be prepared to fight their way inland to restore, protect and operate railway communications. They would, therefore, have to be accompanied by necessary technical units including railway operating units. Number and phasing of arrival of these formations would have to depend upon situation at this time and availability and condition of ports. In worst case with Indian Armed Forces generally actively hostile British formations might have to fight their way ashore as well as inland. No firm planning on such indeterminate data is practicable and most you can do is to hold in readiness such formations and technical units together with necessary air support as would be made available to meet whatever situation arises. No deception plan is required in this case.

5. Your para 2 (C) and 3 (E). Main value of R.N. would be for transport of troops and supplies by sea to wherever required if internal communications are cut. Major landing craft such as LCT's and LST's would be extremely valuable for this purpose and for evacuation of refugees and I trust that any now on EI station will not be disposed of without consulting me. Representative C. in C. EI station is closely associated with our planning.

6. Your para 3 (A). Relations with Afghanistan are now excellent and there are no present signs of Afghan incursions or tribal risings. Either or both are more likely to follow widespread internal disturbances than to provide them. Likelihood would depend upon scale and success of disturbances. With arrival

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10 Ind. Div. and its location Rawalpindi–Peshawar area consider troops adequate to deal with local tribal risings. Present bomber force also adequate. Afghan intervention unlikely so long as present Government of India maintains control. Possible, however, that Afghans might lend active support to Indian Moslems to oppose Hindu domination of India. Undoubtedly armed forces in India would be inadequate to deal with this situation simultaneously with widespread internal disturbances. Situation envisaged, however, would arise at much later stage and it is not possible at present to forecast whether Afghan intervention would be in support of policy of H.M.G. or opposed to it.

7. Your para 3 (D). There is no definite evidence at present to warrant differentiation between Indian Army, R.I.N. and R.I.A.F. in respect of reliability except that the two latter contain higher proportion of semi-educated men who are always more susceptible to political propaganda and have less solid tradition of service and obedience to authority behind them.

8. Your para 3 (F). We are not due to receive any more Transport squadrons over and above those already held before April. Those we have already are as follows: Air Trooping. Nos. 10, 76 and 77 Sqdns. Total 75 Dakotas. Internal Air Lines. Nos. 52 and 353 Sqdns. Total 50 Dakotas. No. 232 Sqdn. Total 25. This squadron is composed of a flight of Liberators and a flight of Skymasters. The latter now being replaced by Lancastrians. Heavy freighting. No. 298 Sqdn. Total 25 Halifaxes. Total 175. In addition another 25 Approx. Dakotas could be made available from the resources of No. 3 PTS. 1334 TSCU and sundry units. Thus, there is a grand total of approx. 200 transports. Of the reinforcement of four squadrons required by the C. in C., TE aircraft should be made available if possible, in view of the great difficulties experienced in operating four-engined aircraft in this theatre due to poor runway surfaces, insufficient spares and low operating reliability at first. We should like to know in what respects these figures are at variance with Air Ministry's information.

9. Your para 3 (B). Action has been and is being taken to maintain morale through amenities and welfare and by making widely known statement made by H.M.G. on 4 Dec. Better educated personnel, particularly ICOs, are confused regarding events in NEI and full publicity as to true position and future policy would be most valuable. At present political propaganda here takes line that Indian troops are being used to suppress freedom movement of Oriental people and to subjugate them to domination by Western Power.

10. Suggest Senior Officer from War Office and Senior Civil Servant from India Office should visit India to acquaint themselves with situation at first hand. Meanwhile General Mayne is fully in the picture and well aware of the complexity of the problem.

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Entry in Mr Casey's Diary (Extract)[1]

L/P&J/8/525: ff 223–5

22 December 1945

M. K. Gandhi called to see me again this evening and stayed for about two hours. I tried to keep it from the Press, but I am afraid they got it.

After the usual beginnings—he led off by asking me if I'd agree to the reinstatement of 30 or so externed (from Calcutta) employees of the Calcutta Electric Supply Corporation. I think from memory that these fellows are minor members of one or other of the terrorist organisations. I said I'd look into it.

I then leapt into the breach and talked to him about the remaining terrorists that we have in jail (about whom he had written me)—telling him about their lifetimes of violence—and ending by telling him that I was getting them gone through individually to see what more we could do.

I said that I had been made rather angry by some of the articles in the local Congress papers since he had been here. They had thrown back in my face the fact that I had agreed to provide transport for him (Gandhi) while he was in the Province, and had tried to make capital of it. He said that he agreed that the Press were a nuisance and that they distorted things and drew wrong inferences. But he said that it was difficult to get away from in the present state of things—and with human nature what it was. I said that I thought that he ought to have someone with him who could give guidance to the press as distinct from information. I said that I hoped that he realised that I had no ulterior motive in providing transport for him—and that I resented malicious inferences being drawn from it. He said that he appreciated this—but that if he appointed a public relations man, there would be no end to it. I asked him if Rajkumari Amrit Kaur could not do the job of keeping in touch with the press. He said that this was not her line of country—neither would his Secretary, Pyarelal, be any good at it. He said that if I had any special complaints to make about the Congress press, either now or in the future, would I send the offending cuttings to him and he would see to it himself.

He then talked about home spinning and weaving—the work of the All-India Spinners' Association. He said that apart from the economic value of providing large numbers of people with gainful employment—it had a considerable value in the shape of giving solace and increased self-confidence.

He spoke of a man called Suresh Bannerjee, a doctor, who used to run a hospital near Comilla, which is now, I gathered, closed down (requisitioned?) by us. He apparently now concerns himself with the Khadi (A.I.S.A.) organisation—and is a "labour organiser".

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He also spoke of a woman ("of a noble family") called Amtus Salam, apparently also connected with the A.I.S.A., who had given her life for the poor.

He said that he would undertake to produce for us all the bales of cotton we wanted, for spinning into yarn in Bengal. He mentioned the name of Avada [?Ananda] Chowdhury in this regard, the Secretary (or perhaps the local secretary) of the A.I.S.A. Either the A.I.S.A. or he himself would do this. He deplored the fact that the Khadi organisation was under suspicion by Government.

He then went on to say that an expert spinner can produce up to 800 yards of yarn an hour—and an average person can produce about 250 yards.

He said that Rajkumari Amrit Kaur organises her servants (rickshaw pullers and others) to spin and weave woollen yarn at her place in Simla.

He said he would be glad to meet the members of the British Parliamentary delegation, if they wanted to meet him.

He diverted at this point to tell me that he was in the habit of being massaged every day for 1¼ hours, with mustard oil and lemon. His son (the Editor of *Indian Opinion*)[2] was massaging him at present. He specified that this was not the more able of his sons (the one who edits the *Hindustan Times*, of New Delhi) or the black sheep of the family who drinks. He went on to say that "the one who drinks"[3] had once become a Muslim—but that he had, in course of time, dropped being a Muslim. He (M.K.G.) had not put any impediment in the way of his becoming a Muslim. He'd said to him that if his becoming a Muslim resulted in his giving up drink, he would be glad. But it didn't.

He reverted to his massage and said that he found it very soothing, and that it sent him to sleep. The massage was continued lightly while he was asleep. He thought that massage was of greatest benefit when it put the subject to sleep, as this produced the greatest degree of relaxation.

He said that Orissa produced good masseurs.

He then got on to All-India politics.

He started by saying that the I.C.S. were responsible for a great deal of India's troubles and difficulties. They were loyal to the British, but not to India. He said that this all started with Warren Hastings and Lord Clive, who might be heroes to us, but they certainly were not to Indians.

He went on to say that the attitude that he was taking with his own people was that it was going to come out all right—India was going to get her freedom. Let them work on that assumption and on no other.

I asked him what about us, the British—what did he think we ought to do? He admitted that it was difficult for us. He said that he supposed that we looked at the Congress and at the Muslim League—and said to ourselves, "Which shall we choose between?—on the one hand, there is the Congress who represented

[1] This extract was sent to Lord Wavell (see No. 324, para. 7) and is the separate report on Mr Casey's meeting with Mr Gandhi on 22 December referred to in No. 313.

[2] i.e. Gandhi's second son, Manilal. [3] i.e. Gandhi's eldest son, Hiralal

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a very great proportion of the people of India, but who had been rebellious and difficult for a number of years—and, on the other hand, the Muslim League, who had co-operated with us for a long time, but who represented only a relatively small proportion of India—and who now took the point of view that India must be divided up, which we (the British) must realise was wrong. Were we going to support the majority (the Congress) who, in spite of the difficulties that they might have created for us in the past, now wanted the right and proper thing (a united India) or those who had been our friends in the past and who now wanted the wrong thing—a divided India? We (the British) had to make this decision. If we decided for the Muslims—for Pakistan, the Congress would never accept such a decision—and we would be doing India a final and very great disservice".

He said that this was the great decision that we had to make. He said that if and when he met the members of the British Parliamentary Delegation, this is what he would say to them.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/8/525: f 257

IMPORTANT NEW DELHI, *23 December 1945, 10.40 pm*
Received: 23 December, 9 pm

2281-S. Superintendent Series. Your 28265[1] December 21st.

It is I am sure of first importance to set up new Executive Council at the earliest possible moment, i.e. immediately after the budget is passed or certified, say in the first week of April.

2. The setting up of Executive Council will be awaited as evidence of *bona fide*[*s*] of His Majesty's Government. If there is delay the existing distrust of our intentions will be increased and political atmosphere will become even more uncongenial to constitutional discussions.

3. The result of Provincial elections start coming out in January. The important Punjab ones will appear late in February. In early March the first (?Congress) province, Bihar, will publish (?its) results. I think there can be no question that it will be a great mistake to allow the political initiative to pass to Provinces where all sorts of embarrassing issues, including that of coalition ministries, may arise and be violently debated. We must come to terms with the parties at the Centre first, retaining initiative here, and let the Provinces follow our lead.

4. Moreover I shall need the new Council not only to get ahead with ad-

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ministrative work but also to share responsibility for preliminary conference and (?advise) on agenda. If we attempt to start off the deliberations of conference without coming to an understanding with party colleagues we shall make it very difficult for conference to succeed.

5. My detailed proposals are practically ready. I can telegraph a summary if you wish but would prefer you to see them in full.

[1] No. 305.

313

Mr Casey (Bengal) to Field Marshal Viscount Wavell

Telegram, L/P&J/7/8467: f 25

IMPORTANT CALCUTTA, *23 December 1945, 12.5 pm*
Received at India Office: 23 December, 3 pm

452. Gandhi called on me again last night at his own request. He came principally to discuss political prisoners and internees and the stimulation of hand spinning and weaving by importation into Bengal of cotton from other parts of India. He touched on All-India politics which I will report separately.[1] He repeated that he was working for a peaceful solution. He goes on tour on December 24th to Midnapore returning Calcutta about January 3rd. He has cancelled his (omission) [?visit] to East Bengal but tells me that he is going to Assam about January 8th or 9th.

Repeated to Secretary of State for India.

[1] See No. 311, note 1.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/22

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 48 *25 December 1945*

Thank you for your letter of the 14th December.[1] Nothing very exciting has happened since I wrote last, but the pressure of routine work is remarkably heavy and makes it difficult to apply one's mind for ten minutes consecutively to big problems.

2. When I next write I shall be able to give you an account of my visit to the Andamans. It will be a fairly strenuous trip, as we fly from Calcutta during the night of the 27th, spend the 28th in the Islands, and fly back to

[1] No. 292.

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Calcutta on the night of the 28th/29th, continuing the journey to Delhi on the 29th. I think it will be a good thing that I should see the state of affairs there and make sure that reconstruction proceeds at a proper speed. I am taking some journalists to report on the condition of the Islands, which I am told have been very hardly treated by the Japanese, though they were nominally, as you know, handed over to Bose's Provisional Government.

3. I have been able to provide a third seat for Labour in response to the suggestion in paragraph 5 of your letter. Nominations to the Council of State have not yet been considered, but I will see what can be done.

[Para. 4, on fresh developments concerning the Maharaja of Rewa, omitted.]

5. I have postponed my Bombay tour in order to greet the Parliamentary Delegation when it arrives, and I am glad that they will stay with me for the first two days. We will do all we can to enable them to see whatever they wish and to meet those whom they wish to meet. They will be free to do exactly as they like, and I hope they will profit from their visit. You may be interested in the cutting[2] I enclose which reports one of Nehru's speeches.

6. In paragraph 6 of your letter of the 7th December[3] you mentioned political prisoners. The gradual release of security prisoners is proceeding, and there are now only 624 persons, other than Hurs and Goondas, in detention as security prisoners, and almost all of these are terrorists. There were nearly double as many in detention on 15th October, so I hope you will accept this evidence that we are doing our best. We are, however, getting near the hard core of persons who cannot safely be released, and the rate of release is likely to go down. As regards the 1942 convicts I think we should certainly stand firm for the present and not undertake a general examination of the sentences, which were richly deserved. I have, however, asked Home Department to get the Provincial Governments to make a close examination of all cases of persons detained after the expiry of long terms of imprisonment.

7. In the same letter you said that you thought tear-smoke ought to be an effective weapon against Indian crowds. The Government of India in recent years have always pressed on Provincial Governments the desirability of training tear-smoke squads and using them wherever possible. By the end of last year there were 48 trained tear-smoke squads in India, and of these Bengal had 15, the largest number of any province. Opinions differ about the use of tear-smoke, but there is no doubt that on occasion it can be a valuable and humane weapon. I have told Casey of your views and asked him to look into the matter. Home Department here will continue to press for the development of the use of tear-smoke.

8. I have consulted Corfield on the suggestion that the Political Department might have an Economic Adviser who could assess independently the

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requirements of the Indian States and help to ensure that their interests were not subordinated to those of British India. Corfield points out that if an Economic Adviser is appointed it would be logical to have also other technical advisers e.g., a Forest Adviser and a P.W.D. (Roads) Adviser, but that there is a limit to what the Political Department can do, and there is no use in converting it into a sort of miniature federation. I think he is right in holding that the best way of securing that the States get a fair deal in economic matters is to secure State representation (as we are doing) on committees of the Central Government which deal with questions of common concern and even on statutory bodies such as the Air Transport Licensing Board. One difficulty with Hyderabad is that the State stands aloof from the Chamber organization; another, I suspect, is that Hyderabad dislikes Central control of any sort, but it is difficult to see how economic development can be planned on an all-India basis without some measure of control. I shall recommend as part of the political plan now under consideration that a body for consultation on economic development, on the lines of the former National Defence Council, be set up, on which the States will be represented.

9. In paragraph 11 of your letter you mentioned the recent question in the Commons in which it was alleged that the election time-table in the Punjab had been so arranged that those included in the electoral rolls for the first time were unable to stand as candidates. There have been a lot of allegations against the Unionist Ministry in the Punjab to the effect that they are abusing their position to gain advantage in the elections. A great many of the allegations are false, and I think that in any province where there is a Ministry in power such criticisms are bound to occur. There is nothing to show that there was any *mala fides* in the decision of the Punjab Government to fix the nomination dates before the end of the revision of the electoral rolls. The point was put to them by Menon, and they replied that unless there was some overlap they could not possibly get the elections finished in time to pass the budget before the end of the financial year. I think this had to be accepted. I understand it is not correct that Sir Firoz Khan Noon has been affected. He has been put up as a candidate for the landholders' constituency.

In all Provinces it has been necessary to carry on with the *primary* elections before the final publication of the electoral rolls, but the Punjab is the only Province in which the *general* elections are being started before final publication.

10. In my letter of the 18th December[4] I mentioned the request I made to Mountbatten through Lane that I should be put in a position to make a statement soon after the 21st January when the Assembly meets, to the effect that Indian troops in Indonesia will not be employed in active roles after a date to

[2] Not printed in L/PO/10/22. [3] No. 273. [4] No. 296, para. 15.

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be named, and that if this was not possible I should at least be assured that Indian troops would be withdrawn from all active roles by the middle of March. Auchinleck has enquired whether you have been specifically warned of the situation which might arise over Java if an interim government having the support of the main political parties came into power at the Centre. He feels that such a government would be likely at the earliest opportunity to make the use of Indian troops in Java a test case. They would argue that if India was really to become a Dominion in the near future it was unthinkable to use Dominion troops against the wishes of the Indian Government. If therefore by the time such a government came in Indian troops were still in active roles in Java we should have to face the alternatives of their withdrawal or a resignation of the new Council. This, I think, is correct, and I am sure you will do all you can to press on your colleagues the urgency of withdrawing Indian troops from active roles in Java. I have recently sent you a telegram on this subject[5] and will discuss it further with Auchinleck on my return from tour.

11. We decided in Council on the 20th December to join the Bretton Woods Fund and Bank. We shall be criticised because of our failure to consult the Assembly before doing so: but our reply will be that it is clearly in India's interests to join as an original member, and that if the Legislature so decides India can withdraw. It was not our fault that they could not be consulted, and the opportunity of consulting the Legislature in time did not arise. If we had not joined, we should, I am sure, have been criticised for losing India the advantages of original membership.

12. I should be grateful for as early an answer as possible to my letter of the 1st December[6] with which I sent a draft of some paragraphs for my speech to the Chamber of Princes. Time is getting short and I must soon get my speech into shape.

13. You suggested in your telegram 25818 of the 22nd November[7] that I should consider various points about the representation of India at the official Victory celebrations in London. One of the points was whether any Prince should attend officially. Political Department advise that all Princes who are Honorary A.D.Cs. or Extra Honorary A.D.Cs. to His Majesty might be invited. The list would be as follows:—

Honorary A.D.Cs. to His Majesty.

His Highness the Nawab of Bhopal. His Highness the Maharaja of Patiala. His Highness the Maharao Raja of Bundi. His Highness the Maharaja of Dewas (Senior)	The appointments have been approved but not yet notified.

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Extra Honorary A.D.Cs. to His Majesty.

His Highness the Maharaja of Ratlam.
His Highness the Maharaja of Jodhpur.
His Highness the Nawab of Palanpur.
His Highness the Jam Saheb of Nawanagar.
His Highness the Maharaja of Kashmir.

This seems to me reasonable though I do not know if you wish to have so many Princes in London for the celebrations. It has also been suggested that an invitation might be sent to H.E.H. the Nizam. I would like to do this though I have every hope that he would not accept.

14. Have you been able to make any progress with the proposal that there should be a U.K. High Commissioner in India? As you know I should like to have one here as soon as possible.

15. I have received your telegram No. 28398 of the 23rd December[8] in which you tell me of the course of discussions between the three Foreign Secretaries about the inclusion of India in the Peace Conference. I am glad a stout fight is being put up on behalf of India, and it is essential that we should not give way in this matter. But I need not stress this as I know you are as fully convinced as I am.

16. In your letter of the 7th December you asked whether I was satisfied that we cannot make some progress in the matter of village broadcasting. The Radio Industry Council, London, have enquired whether the Government of India would welcome a delegation of technical experts to advise All-India Radio on technical matters such as methods of propagation, wave length and coverage, and modulation systems. We have replied that we would welcome a delegation and have suggested that the experts should come as private representatives of manufacturers. A scheme for village broadcasting is included in the Basic Plan of All-India Radio, two copies of which have been sent to the India Office already.[9] The Plan has not been finally approved, but the scheme will show what we have in mind. I may say that one of the first things I did, when I was appointed Viceroy 2½ years ago, was to get a Radio firm in London, Cossor, to draw me up a scheme for the extension of broadcasting in India, with special reference to the villages; and I visited their works to discuss it. At that time, with the war still on and equipment practically unobtainable, it was impossible to proceed with it, and the cost was almost prohibitive: but I am very ready to try again.

[5] 2291-S of 24 December. L/P&S/12/1035. [6] No. 257.
[7] Not traced in India Office Records. [8] L/P&S/12/4569. [9] L/I/1/968.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/P&J/8/525: ff 229–47

TOP SECRET VICEROY'S CAMP, CALCUTTA, *27 December 1945*

No. 592/30

My dear Pethick-Lawrence,

I send herewith an appreciation of the political situation, a proposed programme of action, a paper suggesting what should be the composition of the Preliminary Conference, and a draft agenda for this conference. The draft agenda has been drawn up by my Reforms Commissioner, Menon, and Sir B. N. Rau. I think it is generally suitable, but I am not committed to it in detail. I should be grateful if all these papers could be considered as soon as possible.

Yours sincerely,

WAVELL

Enclosure 1 to No. 315

TOP SECRET

APPRECIATION OF POLITICAL SITUATION

1. Our immediate objectives for 1946 are:

(a) to secure a reasonably efficient Executive Council with representatives of the principal parties on a proportional basis, which will carry on the government of India during the interim period;
(b) to form a Constitution-making Body which will produce a workable and acceptable constitution;
(c) to bring about Governments in the Provinces, on a Coalition basis as far as possible.

2. The chief factors we have to take into consideration are the aims and policies of the Congress, the Muslim League, and the Ruling Princes. We have also responsibilities to the numerous minorities, and a general responsibility to ensure that India is not thrown into chaos and civil strife before, during or immediately after our hand-over of power.

3. The objective of Congress, the principal political party, is undoubtedly to seize power for their organization, i.e. the Caste Hindus, and to destroy British influence in India as soon as possible. They will go to any lengths to achieve this if they feel strong enough; and will use violence if necessary.

Congress commands the support of practically all Caste Hindus, and of certain other elements in India which tend to follow their rising fortunes. They have the support of nearly the whole of the Press; they have the best organised

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—in fact the only well organized—political machine; and they command almost unlimited financial support. Almost all educated Hindus, and especially the student class, are their enthusiastic followers, and they can always raise mob passion and mob support, and do not hesitate to use the worst and most violent elements in the population for their purposes.

Indian business magnates, although strongly pro-Congress, are anxious for a solution without conflict and disorder.

Most of the big landowners dislike and fear Congress and would like to support Government, but few of them can probably now be relied on to give active aid. They have never organized opposition to Congress with any success, and are on the whole rather a poor lot.

There is generally speaking no organized opposition to Congress amongst Hindus in British India (except possibly in the Punjab) and nothing to put in its place if we suppress it. Neither the Communist Party nor M. N. Roy's Social Democrats have any influence. The Scheduled Castes are divided and many of them support Congress. The only real opposition to Congress comes from the minorities, of which the Muslim League is of course the principal but represents entirely sectional interests and not all-India. The League, though strongly anti-Congress, is not pro-government or pro-British, and would support us only to the extent of remaining neutral in a conflict between Government and Congress.

Pakistan will remain inflexibly the League policy, so long as Jinnah controls it, though many of his supporters, perhaps the majority of those who really think, realise the difficulties and disadvantages of Pakistan.

4. At present the Government can probably count on the support of the Officials, Police and Army, in a conflict with Congress, though there might be some defections amongst the junior officials and perhaps junior police officers. It would certainly not be wise to try the Indian Army too highly in the suppression of their own people. As time goes on, the loyalty of Indian officials, the Indian Army and the police might become problematical. A large number of British officials will probably take the first opportunity to retire.

5. The attitude of the Princes is on the whole that they would like to be rid of the British if it were not for their fear of Congress. They would, certainly for the most part, support us in a show-down with Congress. The Princes are not organized and do not normally show a common front. The Chamber of Princes is by no means representative.

6. The general conclusions I make on this part of the appreciation are:

(a) That Congress commands the support of practically the whole of articulate Hindu opinion; and could undoubtedly bring about a very serious revolt against British rule;

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(b) That we could still probably suppress such a revolt, after a considerable amount of bloodshed;
(c) That if we do have to suppress Congress we have nothing to put in its place, and should be driven to an almost entirely official rule, for which the necessary numbers of efficient officials do not exist.

In other words, we shall be placed in a quite untenable position, unless we find a solution, and we must do so by some means or other. Our chief problem is to find some bridge between Hindu and Muslim.

Probable course of events.

7. The present Congress policy seems to be to avoid conflict at any rate until after the elections are over; while taking full advantage of the licence they are being allowed during the elections, to increase their influence and prestige, to stir up racial hatred against the British and communal feeling against the Muslim League, and to complete their organization for a mass movement, unless their demands are satisfied after the elections. They will go as far as they feel they safely can without provoking a premature (from their point of view) conflict with Government. Meanwhile they will do their best to weaken Government by intimidating officials and all non-official supporters of Government, and by endeavouring to suborn the Indian Army.

8. After the elections, which will undoubtedly show overwhelming success for Congress, they will, unless we take the initiative, present their demands in some form or another, with the threat of a mass movement if not fulfilled. These demands may include:

(a) Immediate establishment of a Central Executive, on which Congress representation will be proportionate to their success in the elections;
(b) Abolition of the Governor-General's power of veto, or a convention that it will not be used;
(c) Formation of a C.M.B. on which Congress representation will be proportionate to their success in the elections; and a pledge from HMG that the decisions of this body will be accepted without further discussion or amendment;
(d) Possibly, a refusal to take office or cooperate in any way, unless Indian troops are withdrawn from Indonesia and/or all I.N.A. men released.

9. What we have to decide now is:

(a) The method by which we are to attempt the formation of a new Executive Council; by a conference as at Simla, or by direct invitation by the Governor-General to certain individuals to assume office; or by any other method;

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(b) How far we are prepared to go to secure Congress cooperation in a Central Executive; the two crucial issues will be:
  (i) to what extent we are prepared to over-ride or by-pass Jinnah and the Muslim League;
  (ii) whether we will consent to any restriction of the Governor-General's power of veto;
  (The above are inter-related to the extent that any weakening of the Governor-General's veto will increase the reluctance of the Muslim League to cooperate)

(c) How we are to form the Conference on the C.M.B.

Enclosure 2 to No. 315

TOP SECRET

PROGRAMME FOR POLITICAL ACTION

I wish to attempt to form a new Central Executive as early as possible. If I allow the stresses of ministry making to develop in the provinces before making any attempt to bring the parties together at the Centre, I am likely to lose the initiative, and the chances of agreement will be reduced. H.M.G.'s *bona fides* may be questioned if there is any sign of delay; and on the other hand a clear sense of urgency will tend to create goodwill.

2. A new Executive Council cannot be sworn in before the budget is passed or certified; so the earliest date will be in the first week of April. Discussions with the leaders of the Congress and the Muslim League must however begin much earlier both to give them time for consideration and in order to retain the initiative as stated above.

3. The latest dates of publication of the results of provincial elections are:

Madras .	26–3–46
Bombay .	26/28–3–46
Bengal .	30–3–46
U.P. . .	23–3–46
Punjab .	19/23–2–46
Bihar . .	6/8–3–46
C.P. & Berar	18–4–46
Assam . .	22–1–46
N.-W.F.P. .	12–2–46
Orissa . .	(Not yet certain)
Sind . .	31–1–46

4. Ministry making in Assam, Sind, and the N.-W.F.P. is not likely to raise very embarrassing issues: though if it does my programme may have to be

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modified. As soon as the Punjab results are out, which will show the measure of success the Muslim League has won, I think I should move quickly.

5. I propose that I should see the Presidents of the Congress and the Muslim League separately on about the 24th February and ask them to let me have panels of names from which I may choose the Congress/Muslim League members of my Executive Council. I wish to avoid a conference on the lines of the Simla Conference, which I am sure would be unprofitable. I would say that I should like to discuss these lists about the middle of March and would suggest that if the Congress/Muslim League needed to have its Working Committee available the members should be summoned so as to avoid delay.

6. I do not think consultation with other parties would be necessary. I have in fact considered issuing invitations, based on the discussions in Simla, without consulting even the Congress or League leaders, but I have come to the conclusion that this would be inadvisable.

If necessary either at this or at a subsequent interview I would assure Jinnah,

(a) that the Muslims would have parity with the Hindus other than Scheduled Castes in the Executive Council;
(b) that the Muslim seats would be filled by Muslim Leaguers; (here I am assuming that the Punjab elections go well for Jinnah);
(c) that the Muslim League can have two out of the four key portfolios, as promised at Simla. The key portfolios would, I think, now be War, External Affairs, Home, and Finance.

I should probably have to agree to a Council of 14 as at Simla:

5 Hindus other than Scheduled Castes.
5 Muslims.
2 Scheduled Castes.
1 Sikh.
1 Indian Christian.

But from the administrative point of view I would prefer 12 and might suggest this at the start.

7. I would make it clear, if necessary, that if any individual or group refused to cooperate I would try to obtain other suitable members of the Executive Council.

8. If necessary, in the middle of March I would meet Azad and possibly Gandhi and discuss the Congress list. I might also meet Jinnah and discuss the League list. But if I had already succeeded in getting a satisfactory panel of names, I should try to avoid further discussion.

9. In the last half of March I would issue invitations. Whether I should offer definite portfolios at this stage can be left for consideration later.

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10. If all went well and I was able to form an Executive Council in the first week of April I would then put to it suggestions:

(a) for the composition of the Preliminary Conference on the Constitution Making Body, and

(b) for an agenda for this Conference.

Proposals for (a) and (b) are attached. The agenda should remain a secretariat paper to which we are not committed.

11. Simultaneously with the reference to the Executive Council of these papers the Chamber of Princes and some of the leading Princes, e.g. Hyderabad and Kashmir, would be consulted formally about the composition of the Conference and informally as regards the draft agenda.

12. When the Executive Council was formed, I would also seek to set up a consultative body consisting of the Premiers of the Provinces and three or four leading Diwans from the States. Such a body is needed for administrative reasons, since economic questions relative to controls and post-war development should be discussed in a body representing all India and not British India or the States alone. Also it would be of great political advantage, and an earnest of things to come, if the representatives of the States and British India could be brought together on a body of this kind at this stage. This I need not elaborate.

13. The Conference would, I hope, be summoned some time in May.

Enclosure 3 to No. 315

TOP SECRET

COMPOSITION OF THE PRELIMINARY CONFERENCE

We should get together a group of men representative of the territorial units of India and satisfying in reasonable measure the competing claims of race, community, party, religion and caste. So far as territorial representation is concerned, the best plan would be to include the Prime Minister and the leader of the chief opposition group in each province. The leaders of the opposition in some provinces might be men of small importance but I think this cannot be helped.

There remain the Scheduled Castes, the Sikhs, the Indian Christians, the Europeans and the Anglo-Indians. I think there should be two representatives of the Scheduled Castes. We should also have one Sikh, one Indian Christian, and one European and one Anglo-Indian. I would rather not commit myself yet as to the provinces from which these representatives of the 'other minorities' should be drawn. But they will all be provincial MLAs.

The distribution by communities, as far as can be foreseen at present, will work out thus:—Hindus (Congress) 12, Muslims (League) 10, Scheduled Castes 2, Sikh 1, Indian Christian 1, European 1 and Anglo-Indian 1. It may

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also be suitable to include in the Conference 2 members of the new Executive Council probably one Congress man and one Muslim Leaguer. Thus, the total number of representatives from British India would be 30.

The proportionate representation of the States on the population basis should be 9. The actual distribution of these among the several States is under consideration.

Enclosure 4 to No. 315

TOP SECRET

DRAFT AGENDA FOR THE CONFERENCE

1. *Should not the constitution-making body (hereinafter called Convention) be a negotiating, rather than a legislative, body?*

(The purpose of the Convention is to formulate detailed proposals for a new Constitution creating an Indian Union with the full status and powers of a Dominion including the power to decide its future relationship with the other members of the British Commonwealth. Since the Constitution framed by the Convention is intended to be acceptable to as many Provinces and States as possible, the Convention might well follow Australian precedent and sit in at least two sessions, with an interval of, say, six months between the two. During the first session, which may last a month or so, the Convention will frame a draft of the proposed Constitution; the draft will then be published for criticism; the various Provincial Legislatures and States will then criticise it, and if necessary suggest amendments; the Convention will then hold its second session and revise the draft in the light of these criticisms and suggestions. The revised draft will then be sent to the several Provinces and States to accept or not as they choose. If it is agreed that the Convention should be a negotiating, and not a law-making, body its decisions will have to be such as to attract the largest volume of acceptance and will not bind the dissentient units. This is an important point. The following extract from Quick and Garran[1] on the work of the Australian Constitutional Convention of 1897 is instructive:—

> "Then, on 13th April, commenced the last great debate on the Money Bill clauses—a debate which, though it occupied but two days, was certainly the most momentous in the Convention's whole history. It established the recognition by the Convention of the fact that it was a negotiating, and not a legislative, body; that the decision of a majority of representatives within that Chamber went for nothing unless it were a decision which was acceptable to the people of all the colonies. Had that fact and its consequences not been recognised, the present prospects of Federation must have been wrecked, and at the outset there seemed some danger that this might happen. Sir John Forrest, for the small States, announced cheerfully and often that "we have a majority"; and it seemed for a time that the equal representation of the

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colonies in the Convention—a necessary principle in an assemblage of Contracting States—would exercise an undue influence on the form of the Constitution. The recognition of the fact that they must defer to the wishes of majorities outside marked the turning point of the Convention, and the entry of the really federal spirit of compromise—a spirit which thenceforward grew, slowly but steadily, through all the sittings of the Convention, and spread from the Convention to the people".)

2. *If the Convention is to be a negotiating body, how many States and Provinces must accept the constitution before His Majesty's Government should initiate Parliamentary legislation to recognise the Union and its constitution?*

3. *Composition of the Convention.*

(According to the Cripps proposals, the entire body of the members of the Provincial Legislative Assemblies is to function as a single electoral college and proceed to elect the Convention by proportional representation, the number to be elected being about one-tenth of the number of members in the electoral college. The members of the Convention need not be members of the electoral college but should be capable of being elected to the Provincial Assembly. Indian States should be invited to appoint representatives in the same proportion to their total population as in the case of representatives of British India as a whole and with the same powers as British Indian members. These briefly were Cripps's proposals. One alternative that suggests itself is this: instead of the members of all the Provincial Assemblies forming a single electoral college, each Provincial Assembly may elect about one-tenth of its number by proportional representation on the lines indicated in paragraph 19 of Part I of the First Schedule to the Government of India Act, 1935. One advantage of this plan is that it would give to each Province a delegation elected by its own vote, a point of great importance, if acceptance or non-acceptance of the Constitution framed by the Convention is to be province-wise. Another advantage is that the elections would be easier to arrange. If, however, this plan is adopted, some adjustment of fractions will be needed: for example, the total number of Anglo-Indian members in all the Provincial Assemblies is 11 and they will therefore be entitled to only one seat in the Convention; that seat will be allotted to Bengal, because of all the Provincial Assemblies in India, that of Bengal has the largest number of Anglo-Indian members (three).

Another question which will arise in this connection is the representation of Centrally Administered areas. The Centrally Administered areas are—British Baluchistan, Delhi, Ajmer-Merwara, Coorg, the Andaman and Nicobar Islands and Panth Piploda. A reasonable plan would be to include in the Convention the representatives of Delhi and Ajmer-Merwara in the Central

[1] J. Quick and R. R. Garran, *The Annotated Constitution of the Australian Commonwealth* (Sydney, Angus & Robertson, 1901), p. 172.

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Legislature as well as a representative elected for the purpose by the Coorg Legislature. For British Baluchistan the Governor-General may nominate a representative. The Andaman and Nicobar Islands and Panth Piploda may be left out as not being of sufficient importance.

A further question that will arise is as to the States' quota and the manner of selecting the States' representatives to the Convention. The total number of British Indian representatives, on the Cripps plan, works out to about 160 for a population of 296 million or roughly one for every 1·8 million of the population. On this basis the Indian States considered as a whole would be entitled to send 50 representatives. As to the mode of distribution, one plan would be to distribute the 50 seats among the invited States[2] in much the same proportion as the members of the Federal Legislative Assembly under the Government of India Act, 1935, with slight readjustments in the case of certain individual important States. A rough indication of the resulting distribution is given below:—[3]

Division	I	Hyderabad	5
„	II	Mysore	3
„	III	Kashmir	2
„	IV	Gwalior	2
„	V	Baroda	2
„	VI	Kalat	1
„	VII	Sikkim	1
„	XV	Cooch Behar	
„	VIII	Rampur	1
		Benares	
„	IX	Travancore	2
„	„	Cochin	1
„	X	Udaipur	1
„	„	Jaipur	1
„	„	Jodhpur	1
„	„	Bikaner	1
„	„	Alwar	1
„	„	Kotah	2
		Bharatpur	
		Tonk	
„	„	Dholpur	2
		Karauli	
		Bundi	
		Sirohi	
		Dungarpur	
		Banswara	

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Division	XI	Indore	1
,,	,,	Bhopal	1
,,	,,	Rewa	1
,,	,,	Datia, Orchha, Dhar	1
,,	XII	Cutch	1
,,	,,	Idar & Palanpur	1
,,	,,	Nawanagar, Bhavnagar, Junagadh	2
,,	XIII	Kolhapur & Deccan States	2
,,	XIV	Patiala	1
,,	,,	Bahawalpur, Khairpur	1
,,	,,	Kapurthala, Jind, Nabha	2
,,	,,	Tehri-Garhwal	1
,,	XV	Tripura	1
,,	,,	Manipur	1
,,	XVI	Mayurbhanj, Sonepur	1
,,	,,	Patna, Kalahandi	1
,,	,,	Keonjhar, Gangpur	1
,,	,,	Bastar, Surguja	1

An alternative would be to allot a certain number of representatives to the five large States (say, 5 to Hyderabad, 3 to Mysore and 2 each to Kashmir, Gwalior and Baroda) and distribute the rest among the other States on a regional basis, the representation of each region depending upon its population. This will ensure that the people of no unit are ignored.

The quota for each State may be nominated by the Ruler and should include adequate representation of the people of the State. Sir Stafford Cripps in his talks suggested that if there was in an Indian State a method of election it might be used; otherwise nomination by the Ruler was the only course open.

[2] [Note in original:] As to which States are to be invited, see item 4 below.

[3] [Note in original:] This is on the basis that invitations will issue to those States which have been allotted separate representation either in the Lower House or in the Upper House of the Federal Legislature under the Act of 1935.

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There may be other alternatives, if a body of over 200 members is considered to be unwieldy for the purpose of drafting a new Constitution. It may be mentioned that the Canadian Constitutional Convention as well as the South African consisted of 33 members and the Australian of 50.)

4. *Invitation to Provinces and States.*

(All the Provinces and the more important States will presumably be invited to send representatives to the Convention. If any of them should decline to send representatives, they cannot be compelled to do so, and the Convention will proceed without them. Even if some of them ultimately elect not to come into the Union at once, it is desirable that the Constitution should have been framed in consultation with their representatives.

As regards the States to be invited, the simplest plan that suggests itself is to invite all those States which have been allotted separate representation either in the Lower House or in the Upper House of the Federal Legislature under the Act of 1935. This will mean inviting about 55 States in all, as against 11 British Indian Provinces. If the plan of representation on a regional basis is adopted for all the Indian States except for the five largest, the invitations will have to issue on the same basis and the total number of States represented in the Convention will not necessarily be 55. For method of voting in the Convention, see note under item 5.)

5. *Method of voting in the Convention.*

(Should the decision be by a majority of all the members present? This was apparently the rule adopted in the Australian Convention, but then in that Convention all the States had equal representation (10 delegates each) irrespective of their population. In the Canadian Convention at Quebec the States had representation varying with their population but the voting was by Provinces. If acceptance or non-acceptance of the Constitution is ultimately to be province-wise, voting by Provinces has an obvious advantage. If voting is to be province-wise, some method will have to be devised for the States, for, obviously, they cannot each be given a separate vote. The simplest plan would be to let each Province vote as a single unit in the first instance and then count each Provincial vote as 15 so that the total number of British Indian votes will be $11 \times 15 = 165$. Each State will also vote as a unit; if the number of States is 55, the total number of States' votes will be 55. The proportion between the British Indian votes and the States' votes will not be materially disturbed. If the total number of States is not 55, either because of the adoption of the regional plan of representation or any other reason, the weighting of the British Indian votes will have to be appropriately readjusted.)

6. *Qualifications of candidates for election to the Convention.*

(Under the Cripps plan candidates need not themselves be members of the

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electoral college but should be capable of being elected to a Provincial Assembly.)

7. *Should the proceedings of the Convention be in public or in secret?*

(The Quebec Convention sat behind closed doors, the proceedings being secret; only the resulting resolutions were published. The proceedings of the Australian Convention were public. The South African Convention followed the Canadian precedent rather than the Australian and held their meetings in secret. From the point of view of enabling members to express their real views without embarrassment and to arrive at compromises in the shortest possible time, it would seem best to hold the sittings in private. If the sittings are public, it will be difficult for members to retreat from any extreme position which they may have taken up initially, however untenable subsequent discussion may show it to be. An agreed solution would thus be retarded.

The following dates might be useful in this connection:—

Canada.

Date of Quebec Convention	10/28–10–1864
Date of passing of Constitution Act	29–3–1867
Interval between first sitting of Convention & passing of Constitution Act.	2 years 5 months

Australia.

Dates of Convention at Adelaide, Sydney and Melbourne	23–3–1897 to 17–3–1898
Date of passing of Constitution Act	9–7–1900
Interval between first sitting of Convention & passing of Constitution Act.	3 years 4 months

South Africa.

Dates of Convention at Durban and Cape Town.	Oct. 1908 to Feb. 1909.
Date of passing of Constitution Act.	20–9–1909.
Interval between first sitting of Convention and passing of Constitution Act.	11 months.)

8. *Should a rough draft of a Constitution be prepared for consideration by the Convention? If so, who should prepare it?*

(It will conduce to expedition if the Convention has before it a rough draft both of the Constitution and of the Treaty mentioned in the Cripps proposals to serve as a basis of discussion. The work of the Australian Convention was greatly facilitated by the Bill which had been drawn up six years earlier. According to the Cripps proposals, the Treaty is to be negotiated between H.M.G.

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and the Constitution-making body: perhaps this is not quite accurately expressed, as the Constitution-making body is not a Government but the implication is undoubtedly that the Treaty must be approved by the Constitution-making body. It would therefore be convenient if, before the Convention met, drafts could be got ready both of the Constitution and of the Treaty, which the delegates could discuss freely and amend as they thought fit.)

9. *Should a rough draft of a Treaty be prepared for consideration by the Convention?*
(See note under item 8.)

10. *Manner of submitting the Constitution to the Provinces and the States.*

(The process suggested by Sir Stafford Cripps during his talks was briefly this: the Constitution is to be submitted to each of the Provincial Legislative Assemblies in the first instance, the question being whether the Province should accede. If not less than 60 per cent of the total elected members vote Yes, the Province will be deemed to have acceded. If the majority for accession is less than 60 per cent, the minority can demand a plebiscite of the adult male population of the Province and a bare majority will then suffice to decide the question one way or the other.

A simpler alternative might be the following. For clearness, let us take the case of the Punjab. The Legislative Assembly has a total membership of 175. Let us suppose that as a result of the new elections there are 90 Muslim and 85 non-Muslim members. Suppose the Constitution as framed by the Convention is rejected by 80 out of the 90 Muslim members and is accepted by the rest of the Assembly consisting of 10 Muslims and 85 non-Muslims. If we went by a simple majority, the vote in favour of the Constitution would be 95 and against it 80. This, however, would not be decisive from the point of view of the population of the Province: a majority in the Assembly does not necessarily correspond to a majority of the population and hence, doubtless, Sir Stafford Cripps's suggestion of a plebiscite of the adult male population. A plebiscite of this kind may not, however, be easy to arrange; but a working substitute for it may be arrived at thus:

The 90 Muslim members represent roughly 16 millions of the population and the 85 non-Muslim members represent roughly 12 millions of the population so that each Muslim member represents about 18 units (1 unit = 10,000) of the population and each non-Muslim member represents 14 units. It is therefore reasonable to weight the voting by reckoning each Muslim vote as equivalent to 18 units and each non-Muslim vote as equivalent to 14 units. On this basis the total vote for the Constitution would work out to 1370 units and the total vote against the Constitution would work out to 1440 units so that the Constitution will be deemed to have been rejected by the Province as a whole. If acceptance or rejection is to be province-wise, this seems a fair test,

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because it is not arbitrary and it gives full weight to the population which the members of the two main communities represent. Moreover, as already stated, it avoids the necessity for a plebiscite. It may be pointed out that, on this alternative plan, unless a certain proportion of the Muslim members vote for inclusion, the Province as a whole cannot be included in the Union.

As regards the submission of the Constitution for the acceptance of the States, the only possible course under existing circumstances would seem to be to submit the draft Constitution to the Ruler for acceptance or rejection.)

11. *Who is to issue the invitations?*

(The most appropriate course would perhaps be for the Viceroy to issue the invitations in his capacity as Governor-General so far as British India is concerned and as Crown Representative so far as the States are concerned.)

12. *President of the Convention.*

(The Viceroy may preside at the first meeting of the Convention and, upon the Convention electing its own president, the person so elected will preside.)

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/P&J/8/525: ff 248–51

TOP SECRET VICEROY'S CAMP, CALCUTTA,
No. 592/31 *27 December 1945*

My dear Pethick-Lawrence,

I am convinced that we must have a plan on which we can proceed if, as is quite likely, the Congress and the Muslim League are unable to come to any agreement on the Pakistan issue. I enclose a paper giving my views. This should be considered at an early date by H.M.G. It involves an important decision of policy, which we cannot postpone. We cannot permit another deadlock in the event of the parties failing to come to terms and we must be ready to make our own award. I need not say that I will do my utmost to avoid being forced to disclose the award. But unless it is there in reserve, I shall have to refer to H.M.G. for orders on the occurrence of a breakdown and the situation in the country would deteriorate considerably while a decision was being made.

2. It is of course essential that knowledge of this breakdown plan should be restricted to the smallest possible number of people and that there should be no disclosure. Otherwise my negotiations will be seriously prejudiced. I hope you will specially warn all concerned on this point.

Yours sincerely,
WAVELL

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Enclosure to No. 316

TOP SECRET

BREAKDOWN PLAN

27 December 1945

A breakdown may occur or threaten either (a) at the stage of the formation of the new Executive Council; or (b) at the Conference stage; or (c) at the Constitution-Making-Body (Convention) stage.

2. At (a), the most likely causes of breakdown seem to be excessive requirements by the Muslim League for representation and safeguards; or a demand by Congress for the abolition or weakening of the Governor-General's power of veto.

It is proposed to deal with Muslim intransigence by appointing to the Council Muslims other than Leaguers, if these refuse to serve; it is recommended that we should be entirely firm on the matter of the veto.

3. Even if the Muslim League has refused to enter the Executive Council, invitations will of course be sent to Muslim Leaguers (in their capacity as Premiers or Opposition leaders) to attend the Conference. It may be that Jinnah will forbid them to attend unless the "principle of Pakistan" is accepted. Or they may attend, but a breakdown may occur at some stage in the Conference or in the Constitution-Making-Body, on the Pakistan issue. In either event, if all lobbying and persuasion fail, it will be necessary for H.M.G. to choose between accepting a deadlock and making a decision themselves.

4. We should base ourselves on two points of principle:—

A. If the Muslims insist on self-determination in genuinely Muslim areas this must be conceded.

B. On the other hand there can be no question of compelling large non-Muslim populations to remain in Pakistan against their will.

5. If a breakdown occurred through Muslim League intransigence, I would propose to send for Jinnah and press him not to persist in his attitude. I would when necessary tell him that if he did H.M.G. would make a decision themselves and that decision might be very unwelcome to the League.

6. It is possible that this would be enough for Jinnah and that he would change his policy. If he did not I should tell him that H.M.G. had accepted the two principles A and B stated in paragraph 4 above.

7. If these principles were followed, the effect would be that at least two divisions of the Punjab and almost the whole of Western Bengal including Calcutta would have to be allowed to join the Union. The attractiveness of Pakistan to the Muslims would largely disappear. Only "the husk", in Jinnah's own words, would remain.

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8. Jinnah, faced with this statement of H.M.G.'s attitude, would have to consider his position very carefully indeed. He would probably not want to force me to announce an award on these lines, because if it became public his bargaining power vis-à-vis the Congress would be drastically reduced. There would be at least a chance that he would set to work to secure the best possible terms for the Muslims inside the Union.

9. It is likely that Jinnah would press for an exact statement showing how H.M.G. would demarcate the "genuinely Muslim areas" in the terms of principle A. To meet such a request we should, I think, be ready with a detailed demarcation. This is difficult, and any line will involve grave trouble with the Sikhs in the Punjab, but I will put forward proposals shortly.

10. Meanwhile the essential part of this breakdown plan can be considered. It is a plan which consists of exposing the dangers and disadvantages of the Pakistan scheme; a step that might perhaps have been taken before. The chief objections to the plan are that the possibility of having their community divided might induce a dangerous mood in the Sikhs, and that once the bargaining power of the Muslims has been removed by H.M.G.'s award, an embarrassing responsibility will devolve on us to see that the Muslims get a fair deal in the Union, if the threat of our award compels them to join it. But there are objections to any course and this is the least objectionable I can see.

11. It has been suggested that the principle of Pakistan should be conceded, without defining its area, until the final stage when provinces decide whether or not to accede to the new constitution. I think this would be embarrassing and not really honest, and that we should be better advised to face the problem when the breakdown occurs.

12. I think the award would be recognised by world opinion as a just one, and that it would be realised that we had done our best.

It is possible that such an award might bring about agreement between Congress and the League, so that the Constitution would be made sufficiently attractive to Muslims to induce them to remain in the Federation from the start; and this would certainly be the best solution.

It is, however, possible that the result might be serious communal conflict, owing to the refusal of the Muslim League to accept such an award. This danger has got to be faced.

W.

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Lord Pethick-Lawrence to Mr Attlee

L/WS/1/943: f 2

INDIA OFFICE, *28 December 1945*

Secretary of State's Minute: Serial No. 32/45

Prime Minister.

In my Minute No. 29/45 of 11th December[1] I mentioned that I had asked for information about the steps being taken in India under the four heads mentioned in paragraph 2 of your Minute M. 180/45[2] relating to the loyalty of the Indian Forces.

I now attach for your information a copy of my telegram[3] to the Viceroy and of his reply.[4]

PETHICK-LAWRENCE

[1] No. 282. [2] No. 271. [3] No. 281. [4] No. 300.

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Minute addressed to Mr Gibson[1]

MSS. EUR. D. 714/72

Undated

Mr. Gibson,

The Secretary of State would like a draft paper for the Cabinet Committee prepared urgently on the Viceroy's plan of action. This paper should cover the following points which occur to the Secretary of State, though of course others may be included for his consideration:—

(1) As a main issue does the Viceroy propose to form his Executive Council before consultation of any kind in regard to the programme for forming a Constitution? If he does not, will not the consultations raise all the fundamental issues simultaneously? If he does, how does his procedure for creating a constitution-making body square with the September statement?[2]

(2) The Viceroy says very little in his paper about the formation of Governments in the Provinces. The Secretary of State would like to include a paragraph in his paper on this as to the probability or otherwise of governments being formed before settlement of the main problem.

(3) If an Executive is formed as the Viceroy proposes before the settlement of the constitution-making issues, will not this put us in an awkward position

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if the conversations break down? We may find ourselves with a political executive without any real constitutional basis for an indefinite period. It will be undismissable and *a fortiori* will have within it a serious rift. Is not this an argument for forming the executive after the consultations about the constitution, or at the same time, as part of a general settlement, and not doing so as a preliminary?

(4) The Viceroy contemplates that if a deadlock arises *either* in the preliminary conference or in the constitution-making body, H.M.G. will give a decision on the Pakistan issue and will, if necessary, define Pakistan geographically. This raises the question whether the British Government ought to make itself responsible at all or at any rate until it is absolutely the last resort, for a decision that there shall be Pakistan. The Cripps' Offer contemplated that Pakistan could come into being by agreement among Indians that it should, because the basis of the Cripps' Offer was that it would be implemented if it was acceptable and the actual decision to create Pakistan would rest with the areas affected. No-one believes that Pakistan is in the best interests of India from the practical point of view, and no-one knows where the partition of India, once it starts, will end short of Balkanisation. Moreover, if there were a deadlock in the preliminary stages, to give a decision that there shall be a Pakistan greatly weakens any possibility of compromise on the basis of a very loose federation. Further, if we give a decision that there shall be Pakistan, how are we to enforce it if it does not have agreement behind it? Might we not find that such a decision as the Viceroy proposes was unacceptable to the Moslems, unacceptable to the Hindus and violently opposed by the Sikhs? This point boils down to the two propositions

(a) Should H.M.G. take a decision if necessary?
(b) If they decide to take it, what is the stage at which it could be taken most helpfully to secure a united India?

(5) As regards the proposals for forming an executive, the Viceroy says that he would, if Jinnah won the Punjab elections, offer him all the Muslim seats for the League, the basis being equality between Muslims and caste Hindus. He appears to assume that this is acceptable to the Congress. In fact at Simla Congress indicated that they would accept one Congress Muslim to be included in the Muslim quota and they were never brought to a point on this because the negotiations broke down when Jinnah refused to accept one Independent Muslim. There is therefore considerable possibility of negotiations breaking down again on the personnel of the Council, for which the Viceroy's remedy is to appoint non-League Muslims. This would be a provocative introduction to the main negotiations.

[1] The writer of this Minute was presumably Mr Turnbull. [2] No. 116.

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(6) The Viceroy says that he would promise Jinnah two of the key portfolios which he names as War, External Affairs, Home and Finance. The War portfolio is held by the Commander-in-Chief and the Viceroy does not indicate that he intends any change in that respect. If that is so it only leaves one key portfolio for the Hindus. This point needs to be cleared up.

The Viceroy's scheme does not include any genuine breakdown plan of the kind on which Sir David Monteath's Committee is working. I think the Secretary of State would be willing to include something in his paper suggesting the desirability of having such a plan in reserve. It might be required to deal with Congress objections to the veto continuing in the interim period in an unmitigated form, or to deal with a complete break down of the constitution-making body or the proposal to have one.

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Sir S. Cripps to Lord Pethick-Lawrence

L/P&J/10/19: ff 107–9

30 December 1945

My dear Pethick,

I don't know whether Shiva Rao has written you on the lines of his enclosed letter to me.

In case he has not I send it for your perusal & would like it back when you have finished with it.

The suggestion as to the Executive Council & the inner Cabinet is one that I made some time ago and I believe it might be a useful device to try.

Yours,

STAFFORD

Enclosure to No. 319

7 BARAKHAMBA ROAD, NEW DELHI, INDIA,
15 December 1945

My dear Stafford,

Thank you very much for your letter.[1] The Central Assembly elections are over and I expect Congress to be about 55 and the Moslem League about 30. Congress has lost 4 seats, 2 of the landholders (Bihar and Bombay) and both the Sikh seats while the Moslem League has lost none at all. The Congress losses, I regard as significant. The landholders' seats were lost because of Jawaharlal's strong attacks on the landlords and advocacy of the abolition of the permanent revenue settlement. The Sikh seats went to the Akalis who are uncompromisingly opposed to Pakistan.

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The campaign for the provincial elections has started and some early unopposed returns have come in. I think the Congress will get a majority in seven out of the eleven provinces and the League has a good chance of coming into power as a coalition in Bengal and possibly in Sind. Assam, I think, will go to the Congress; in the North-West Frontier Province it is a close contest between the Congress and the League, and in the Punjab personally I do not think the Unionists have much of a chance.

I regret the failure to reconstitute the Executive Council as soon as you came into power. Jinnah is not likely to moderate his demands after such sweeping successes at the polls. I have been wondering whether it will not be possible to evolve a scheme somewhat on the following lines: Let us have an Executive Council in India rather on the British model (in the sense that all members of the Government will not be members of the Cabinet). The Council as a whole may consist of 15 members. The Congress forming Ministries in seven provinces and being the largest group in the Central Assembly will not accept the terms Lord Wavell offered in July. There is no reason why the Congress should not have 8 or 9 seats out of the 15 and the League 5. Since Lord Wavell has committed himself to parity between Hindus and Moslems, that may be accepted. The Executive Council could consist of 6 Hindus, 6 Moslems, 3 Minorities. Out of the 6 Moslems, 5 would be from the League and 1 would be selected by the Congress who would also have the 6 Hindu seats. They could choose one or two more (according as you decide whether the Congress strength should be 8 or 9). Assuming that the Akali Sikhs obtain a clear majority of the Sikh seats in the Punjab for the provincial Assembly—and both the Central Assembly seats have gone to them—the Sikh nominee in the Council may be an Akali. Mr. Jinnah has said that he will not agree to a provisional Government if its formation in any way prejudices the case against Pakistan. If he should continue to insist on that formula, either the Cabinet or the Viceroy could make a statement giving such an assurance. Also the inner Cabinet may consist of 5—2 Congress and 2 League, and the Viceroy presiding. To this Cabinet would be referred all matters which may seem to any member of the Executive to have a bearing either on the treatment of minorities or on Pakistan. The decision of the Cabinet will be final. The Cabinet may also have certain powers of reviewing the policy of the Government as a whole, whether on the civil or on the defence side.

I think in the Executive Council there should be an Indian Defence Member. If, however, there should be any difficulty about his being from the Congress or the League, the alternative is for the Commander-in-Chief to place all schemes for the reorganisation of the defence forces before the inner Cabinet, attending its meetings for that purpose and accepting the decisions of the Cabinet. Similarly, in regard to External Affairs, I think, as I told you in

[1] Not traced.

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London, the reservation of tribal areas is undesirable. I gave you a note[2] before leaving London pointing out many ways of enlarging the scope of authority of the Executive Council. I feel strongly that some action should be taken on those lines. After all, Wavell said at Calcutta this week[3] that he intends sharing to the full responsibility for administration with his new Executive. That assurance must be made to mean something positive and substantial.

So far as the Constitution-making body is concerned, the quickest method of getting through the task, it seems to me, is for the Viceroy to summon a conference of the Premiers of provinces and of the new Executive Council. Let them take decisions regarding the size of the Constitution-making body and the procedure to be followed. Personally I think a series of general propositions outlining the structure of the new Constitution with the Congress formula as the basis, namely, an All-India Federal Union with a minimum number of essential federal subjects and option to the units to federate in regard to other subjects, should be put to the different provincial legislatures. Those which adopt them should go ahead with the task of framing the Constitution and the results of the labours of the Constitution-making body should then again be sent round to all the provincial legislatures, so that even those provinces (if any) which did not vote in favour of the skeleton scheme may have an opportunity of reconsidering the decision at a later stage. All this should not take more than six months or a year at the outside. At that stage the draftsmen will come in; and of course negotiations will have to proceed with representatives of H.M.G. in regard to the form and content of the treaty. I repeat what I said to you in London: All this should be finished by the end of 1947 and put through before the summer of 1948. India should not again be an election issue in Britain.

I have made no mention here of the Indian States. Wavell referred to "the Rulers of Indian States" in his Calcutta speech. That, I think, was unfortunate. From what I hear many Rulers would be glad to introduce reforms, even some form of responsible government; and many more would welcome Federation on the lines of the 1935 Act. I think you should make up your mind about the States. The smaller States could be absorbed at once into neighbouring provinces. Only 143 States are mentioned in the Schedule of the present Constitution. The rest are not States, but estates, whose Rulers have no sovereign powers. They should be merged at once and the Rulers given pensions. That is the first stage. I have been looking through the Act. 16 States have populations of a million and over, 29 having more than half a million each. How can the smaller States function in these modern days? I would apply the same principle of absorption to these, so that there will only be 29 States left. My own view is that the provinces should first go ahead with the new Constitution and then consider the question of admitting States,—or such of them as have survived the process I am suggesting!

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In the meantime, can you not do something from your end to restore confidence and goodwill? There is bitterness everywhere in India, even inside the army and air force as I know myself. There is still a good deal of racial discrimination, and far more sympathy with the I.N.A. men than you probably know. Also, the use of Indian troops in Indonesia is causing a great deal of resentment. Can you not raise the status of India's representatives abroad in Washington and Chungking? The abolition of the India Office may only be symbolical, but it will have a psychological effect on Indian opinion.

I am sure you will not misunderstand me when I say that the emphasis on the maintenance of law and order, however well meant, creates bad feeling in India. Jawaharlal gave me terrible accounts of excesses committed by the officials in 1942 in the Benares Division. Those men are still in office. If the statements are true, these men should be sent out. It is no use the Governors saying that the services will be protected. Protection is legitimate when an action is in the proper discharge of one's duty. Errors of judgment one can condone, but not misdeeds of the kind that are being reported from time to time in the Indian press.

With loving regards to Lady Cripps and yourself,

Yours ever,
SHIVA[4]

[2] Presumably Enclosure to No. 46. [3] See No. 276, note 7.
[4] Lord Pethick-Lawrence minuted on Mr Shiva Rao's letter: 'There is a lot of meat in this. Copy it before I return it.'

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Mr Casey to Field Marshal Viscount Wavell

R/3/1/108: ff 132–8

CONFIDENTIAL GOVERNMENT HOUSE, CALCUTTA,
31 December 1945

My dear Lord Wavell,

You have a tremendous decision to make very shortly—as to what you will do or recommend to H.M.G. should be done—in respect of the prospective All-India constitutional position. For what it is worth, I will try to sketch out the position as it appears to me. I will give the minimum of reasons for what I say—as the factors in the situation are well known to us all.

I assume that, as you said in your broadcast of the 19th September,[1] you

[1] [Note in original:] 'H.M.G. have, therefore, further authorised me, as soon as the results of the Provincial Elections are published, to take steps to bring into being an Executive Council which will have the support of the main Indian Parties.' [See No. 116.]

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will take no steps to reconstitute your Executive Council before April 1946 when all the Provincial Elections are over.

On present indications (although I do not know the prospects in the Punjab, Sind and the N.-W.F.P.), I am assuming that the Provincial Elections, like the Central elections, will result in a substantial win for the Muslim League in Muslim constituencies and for the Congress in all the General and Scheduled Caste constituencies. I assume this because it would represent the most difficult case. Anything less than a 90% win for Jinnah in the provincial elections would ease the situation so far as we (the British) are concerned—by making him less intransigeant.

At Simla, you tried to get agreement on the composition of a politically representative Viceroy's Council. This great effort failed by reason of Jinnah claiming all the Muslim seats for the Muslim League. You then, logically, decided on elections throughout British India in order, *inter alia*, to test out Jinnah's claim. I assume that Jinnah will be able to substantiate his claim.

Presumably, therefore, as soon as all the elections are over, you will call another Conference similar to the Simla Conference and proceed with "the medicine as before"—i.e. you will ask Jinnah to give you a panel of Muslim League names and the Congress a panel of non-Muslim names, from which you will select five Muslims and five non-Muslims, which (together with a few "others" and the C-in-C) will form your Executive Council. If the provincial election results follow the Central, you will have to make clear to the Congress that you could not accept any nomination from them of any "non-Muslim League" Muslims. You would no doubt explain to them that your object in thus forming a representative Executive Council was, in the first place, to enable them to work out the composition and procedure for a Constituent Assembly—and, of course, to conduct the business of Government until complete Indian Self-Government was achieved.

It is possible that, even in the short time since Simla, Jinnah may have decided to raise his price for coming into your Executive Council—and that he will now stipulate that you must concede the principle of Pakistan in advance—and agree to the formation of two separate Constituent Assemblies. If he, most unreasonably, does this—then you reach your inevitable hurdle at once—unless you can persuade him to your view in private discussion beforehand.

In the course of your preliminary discussions you would, therefore, privately have to make clear to Jinnah that it was not possible (a) to concede *at that stage* two Constituent Assemblies, and (b) to admit that Pakistan could conceivably include the Hindu majority areas (e.g. West Bengal) now within the provincial boundaries of Pakistan. You would endeavour to persuade him to the view that although Pakistan might well emerge as the result o a plebiscite, it would bedevil the whole scene if *you* were to take it on yourself to prejudge the position and assume the result of a plebiscite beforehand.

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(I believe it would probably turn out to be true to say that the sort of Pakistan that would result from a fair and democratic plebiscite by all adult males and on a District basis, would not be the sort of Pakistan that Jinnah wants—and it is for this reason that I think Congress would be willing to accept this approach, which, in view of their own recent decisions, they would find it difficult to repudiate.)

However, even if Jinnah does not make the acceptance of the principle of Pakistan a condition precedent to participation by the League in a reconstituted Executive Council, the question will come up as soon as the reconstituted Executive Council takes up its primary constitutional problem—the setting up of a Constituent Assembly. We have seen that Jinnah has publicly stated that the League cannot participate in a *single* Constituent Assembly for India. The plain meaning of this statement (and it is being so interpreted by League leaders in Bengal) is that there must be at least one separate Constituent Assembly to draw up a constitution for "Muslim India".

If Jinnah agrees to enter your Executive Council with the object of driving the best bargain he can with the Congress—well and good.

But if he adheres to his extreme proposition (either before or after he enters your Executive Council), then you reach your first big hurdle. I would imagine that such an impasse would force your hand, to the extent that you would then have no alternative but to outline publicly and at some length the future procedure that you propose should take place.

I could imagine that this might be on somewhat the following lines.

That your idea was to create a representative Executive Council, whose first task would be to work out the composition and procedure for a Constituent Assembly. If a representative Executive Council could be formed, and if agreement could be reached there about proposals for a Constituent Assembly or Assemblies the next step forward was clear. If on the other hand a representative Executive Council could not be formed or if, on being formed, the Council could not reach agreement about the next step, there could be no point in forcing a Constituent Assembly of our choosing on an unwilling country and the idea would have to be dropped for the present.

In these circumstances, you were obliged to announce that H.M.G. intend, in the absence of agreement (or any immediate possibility of agreement), that the present Constitution, with suitable amendments (outlined below), would continue for, say, 18 months or two years, during which period a plebiscite would be held, on lines that *you* would specify, in order to discover in the first instance what areas (if any) wanted to contract out of an All-India Constitution.

(You would in effect be saying that you conceded the principle of Pakistan, but made its application dependent upon its acceptance for any area concerned by a majority of all the people concerned).

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Personally I believe that it would be wise to make provision for a second plebiscite (say three or six months after the first) in districts that voted for secession but which, as a result, would be geographically isolated by such secession.

At the same time, you might say that H.M.G. were determined to create the conditions precedent to self-Government in India—that is government by Indians—pending the final formation of the Government or Governments of India as the result of the plebiscite. You, therefore, announced the complete Indianization (except for the C-in-C) of your Executive Council. You still hoped that both the Congress and the Muslim League would accept office to run the interim Government; but if either of them would not accept office you would have to look elsewhere.

Personally, in order to show further determination to withdraw the British power, I would be inclined also to announce radical changes (phased to take place in the course of say 3 or 5 years) in the composition of the Administrative Services (I.C.S. and other) in India—towards their rapid and practically complete Indianization, except to the extent that the Central and Provincial Governments wanted to retain the services of specified British members of the services —or to engage others, on contract terms to be agreed with each individual. Provision would be made for liberal compensation.

Also, the above would entail the cessation of British enlistment to the I.C.S. and other Secretary of State's services.

The amendments to the present Government of India Act would presumably include the following:—

1. Provision in respect of abolishing the official quota of the Executive Council. (Amendment of Section 36(3) of the Ninth Schedule).

2. The deletion of any provisions requiring the recruitment of All-India Services by the Secretary of State—and making the Government of India the recruiting and controlling authority in the future.

3. Provision for a substantial and detailed list of safeguards for minorities; (e.g. a fixed minimum proportion of posts in all Government services to be reserved for minorities; establishment of minority primary schools at state expense on demand in each village by minority community members legally responsible for the education of at least 50 minority community children; guarantee of the same degree of State aid to minority community establishments—schools, technical institutions etc.—on compliance with the codes and regulations as is given to non-minority institutions; minority representation in all State institutions, and in all State-aided institutions as a condition of State aid).

4. Provision (if it is constitutionally necessary) for a plebiscite to be held, including the broad provisions that the voting would be by all adult males and by districts—and that it would be held within six months of your announcement.

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5. Provision for a second plebiscite (say three or six months after the first) in districts that voted for secession (or against secession) but which as a result, would be geographically isolated by such secession.

6. Provision (if constitutionally necessary) for areas to contract out of the constitution as a possible result of the plebiscite or plebiscites.

7. Provision for the working out of a constitution or constitutions for the seceding areas, if any.

Neither the Congress nor the Muslim League would be completely satisfied with all this. However, it would go some way to meet both sides—and it would carry with it concrete evidence of good faith and good intention.

Two things might flow from the above—either the Congress might stage their rebellion, or the Muslim League might refrain from participation in such a programme.

The first risk is unavoidable and must be taken. If we were to refuse to consider Pakistan in any form and to go ahead with the Congress, but without the Muslim League, we might have a Muslim rebellion on our hands. Personally I think the Congress would fall in line—in order to secure an advantageous position in respect of the coming plebiscite and to avoid a declaration of war on them by the Muslims.

The second risk is also, I feel, not very considerable. Presumably if the Muslim League decided on non-cooperation, it would (logically) be both at the Centre and in the Provinces. Nobody would care much if they held aloof from Governments in the Hindu majority provinces. I find it difficult to believe that they would abstain from forming Governments in the Muslim-majority provinces. If they did, they would put themselves in a very disadvantageous position as regards the carrying out of the plebiscites.

In the above, there is also a chance that the Congress and Muslim League would decide to co-operate with you and accept office on the Executive Council. The atmosphere would be chilly at first, but there is a bare possibility that, working together, the conditions of rapprochement would appear—and you could proceed to a single Constituent Assembly, dropping the plebiscite programme.

Treaties would be negotiated (drawn, agreed and initialled) by H.M.G. with such representative Constitution making bodies of Hindustan and Pakistan. The first business of the new Indian Government or Governments would be the endorsement of these Treaties.

However, on the principle of hoping for the best but preparing for the worst, one has to consider the possibility of the Congress agreeing to co-operate in the above programme, with the Muslim League refusing co-operation. I would believe that, in this case, you would accept Congress co-operation and go ahead. Jinnah's intransigeance would have exhausted your patience.

Of course, it is quite possible that all that I have outlined may fail, by reason

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of Jinnah being completely intransigeant and sticking to his maximum demands. If this were to happen, I can't think of any solution except International arbitration—little as any of us may like it.

To round off the picture, I assume that you would make provision (after the Plebiscites) for Constituent Assemblies, if necessary, for Hindustan and Pakistan,—or any other means that each of them chose to have in order to create Constitutions of their own brand.

I have not mentioned the Indian States, as I have had no contact with this problem.

I regret the length of this letter—but, as has been said before, I have not had the time to write a shorter one.

I am,
yours sincerely,
R. G. CASEY

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Cabinet

India and Burma Committee. Paper I.B. (45) 25

L/P&J/10/19: f 103

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *31 December 1945*

I circulate telegraphic correspondence[1] with the Viceroy in which he proposes to make his new attempt to set up an Executive Council having the support of the main political parties in March instead of waiting until the Provincial elections are concluded.

I should like to discuss this matter with my colleagues when the Committee meets in the near future to discuss the courses of action to be taken after the elections.

P.-L.

[1] Nos. 298, 305 and 312.

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Field Marshal Viscount Wavell to H.M. King George VI (Extract)

Wavell Papers. Private Correspondence: H.M. The King, pp. 100–2

THE VICEROY'S HOUSE, NEW DELHI,
31 December 1945

Your Majesty,

It is just two months since I last wrote.[1] They have been quite busy and eventful months. I have done a good deal of touring and there have been some developments in the political situation.

2. The troubles which I feared might be brought about by the intemperate speeches of Nehru and other Congress leaders, with their indiscriminate championship of the I.N.A. and glorification of the "martyrs" of August 1942, duly occurred in Calcutta in the last week of November, when serious rioting broke out which might easily have developed much more seriously still. It began with a students procession in favour of the I.N.A. which defied police orders; and ended four days later, suddenly and rather mysteriously, when the mob was almost out of hand, transport in Calcutta was practically paralysed, and the troops were standing by to take over from the Police. The tale of the casualties and damage shows how dangerous the situation had become: 33 killed (one an American lorry-driver burned to death, the remainder civilians); nearly 200 Police, Fire Brigade and soldiers (70 British, 37 American), and about 200 civilians injured; 150 military or police vehicles and a large number of civilian cars destroyed or damaged. Casey handled the situation admirably, but the Police staff work and tactics showed obvious weaknesses.

3. These riots proved a turning-point in the immediate political situation, and caused at least a temporary détente. The leaders realised that the violence of their speeches were [was] likely to cause outbreaks of violence—a result which had been obvious to everyone else for some time; and that the authorities were quite prepared and determined to put down such outbreaks with a firm hand—a purpose which was reinforced by the statements in Parliament and by a speech I made at Calcutta. Gandhi, who had been apparently hibernating for some time, now took a hand, and at once re-asserted his influence over Congress. He is believed to have issued orders that violence and incitements to violence are to be avoided, until after the elections at any rate. Although the speeches of Nehru and Co. and the statements in the Nationalist Press would still be termed rank sedition and provocation of rebellion in most countries, they have lately been moderate compared with those of a month or two ago.

[1] Wavell Papers, Private Correspondence: H.M. The King, pp. 86–96.

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4. Gandhi has had a series of conversations with Casey. They began with a natural wish on Casey's part to meet Gandhi when he came to Bengal, and have continued at the request of the old man, who seems to enjoy talking at large to Casey. Casey gave me a detailed account[2] of his last conversation; it ranged from such domestic subjects as the drunken habits of one of his sons, the soothing effect of being massaged with mustard oil and lemon, and the economic advantages of home spinning, to the wrongs done to India by Warren Hastings and Clive and the evils that would follow from Pakistan. He said of Pakistan that His Majesty's Government must make up its mind between those who had always opposed us (Congress) but who now wanted the right thing, a united India, and those who had helped us, the Muslims, but wanted a wrong thing, a divided India. Gandhi had said very much the same to me at our last interview at Simla, six months ago.

I had a 40 minutes talk with Gandhi myself three weeks ago,[3] in which he was quite friendly but rather vague and woolly, giving me a long dissertation on the eventual conquest of the world by his doctrine of non-violence. Immediately afterwards he had a talk with Arthur Smith, to whom he sang a hymn of hate against the British and all their works, ranging from the Mutiny to the Simla Conference last summer. He is an odd mixture of benevolence (outward) and malevolence (inward). I should put the composition of his character as 70% extremely astute politicism, with a fixed dislike of the British and determination to rid India of them; 15% saint and 15% charlatan. I am always pretty clear about the first of these percentages, but my estimate of the second and third proportions changes frequently.

5. There has been no real change of heart in Congress, but I think they have changed their tactics to the extent of trying to avoid any outbreak until after the elections; so that we may perhaps have a comparatively peaceful month or two ahead; though there is so much inflammable material about, and such fiery sound still issues from Congress speeches, that there might easily be a premature explosion.

Interest in the I.N.A. trials, which might well cause such an explosion, has for the time being died down. Congress, having succeeded in creating a picture of the I.N.A. men as high-minded patriots, is now inclined to withdraw the limelight lest the picture be spoilt by the evidence of some of their patriotic excesses such as the murder and torture of those who stood loyal. As soon as the first verdicts and sentences are given in the next few days, the whole weight of the Nationalist Press will again be directed towards securing their release or at least the commutation of their sentences.

6. I am not very much looking forward to 1946. It is difficult to see how any agreement is to be secured between Congress and Muslim League on

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the composition of a new Executive Council or of a Constitution-making-Convention; and, failing agreement, how a conflict of some sort is to be avoided. I believe someone once described golf as "getting a small ball into a hole with instruments singularly ill-adapted for the purpose". The political leaders in India—Gandhi, Jinnah, Nehru and the others, are certainly singularly ill-adapted for delicate constitutional negotiation and will almost inevitably land one in the rough or some very deep bunkers. We must somehow secure agreement and avoid an upheaval, which would be a great deal more serious than in 1942; but I confess that I don't quite know how it is going to be done. I feel rather like a Wild Western poker player going into a game with a carefully loaded gun on the most handy part of his person, while devoutly hoping he will not have to use it.

[2] No. 311. [3] See No. 280.

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Note by Mr Harris[1]

L/S&G/7/286: ff 10–11

FUTURE RECRUITMENT TO THE INDIAN CIVIL SERVICE AND THE INDIAN POLICE

Governors' views on Sir Francis Mudie's proposals

In his circular letter No. 676/24/G of October 3rd 1945[2] the Viceroy sought the views of Governors upon a plan put forward by Sir Francis Mudie, at that time Home Member, for recruitment to the Indian Civil Service and the Indian Police after the filling of "war reserved" vacancies.

In his letter the Viceroy made three basic assumptions, namely:—

First. That in order to maintain administrative standards, India will need in the future as in the past All-India Services corresponding to the Indian Civil Service and the Indian Police;

Secondly. That in both these Services a strong British element would be most valuable.

Thirdly. That if a British element is retained, its conditions of service must be the same as those prescribed for the Indian element, except insofar as distinctions based on domicile can fairly be made;

[1] This note was submitted by Mr Field to Sir W. Croft for information on 31 December 1945. L/S&G/7/286: f 8.

[2] No. 128.

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and suggested that there were therefore two possible alternatives:—

(a) for the Secretary of State to continue recruitment to the two Services on the old basis, subject to the modifications approved for "war service" candidates; or

(b) for the responsibility for recruitment to be transferred to the Governor-General in Council, the conditions of service being approximately the same as under (a) above.

Of these two alternatives Sir Francis Mudie favoured (b). Besides asking for Governors' views on Sir Francis Mudie's plan, the Viceroy invited comments on the possibility of a system of secondment from the Home Civil and/or the Colonial Service and any suggestions Governors might have to make for an alternative plan.

In their replies, Governors accepted, broadly speaking, the Viceroy's three assumptions. As regards the alternative courses (a) and (b), (a) is favoured by the Governors of Madras, Bombay, the Central Provinces (Mr. F. C. Bourne acting for Sir Henry Twynam) and Orissa and (b) by the Governors of Bengal (Sir Henry Twynam acting for Mr. Casey), Punjab, United Provinces, Assam, Sind, Bihar and the North West Frontier Province. It should perhaps be pointed out that all four Governors of Provinces with Premiers, whom the Viceroy asked should be consulted, favour alternative (b).

In the course of Governors' comments upon the two alternatives the following special points were made:—

The Governor of Madras suggested Indian as well as European recruits should be covered by any arrangement whereby service could be terminated by either side, and not only European recruits as proposed by the Home Member. (This suggestion is in keeping with the arrangements decided upon in respect of "war service" recruits).

The Governor of the United Provinces, though favouring alternative (b)—points out that he doesn't think it likely even so that Provincial Governments in Congress Provinces will ask for any British recruits. Recruitment by the Governor-General would, however, be more likely to attract really good Indians.

The Governor of the Central Provinces considers that, until India's constitutional future can be more accurately assessed, it will be desirable to limit British recruitment to the minimum or perhaps, for a short time, after the war-reserved vacancies have been filled, to suspend it altogether.

The Governor of Sind also considers that recruitment of British officers should be closed down after the war-reserved vacancies have been filled, until the next major constitutional change occurs. But this view is not shared by the Premier of Sind.

The Governor of Orissa urges that recruitment to the Indian Civil Service

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and the Indian Police cadres should not at the present time be increased to fill new posts created as a result of war and post-war conditions and that any suggestions that the number of listed posts should be increased should be very carefully scrutinised.

The Governor of the North West Frontier Province favours an increase in the number of listed posts, to be filled by Provincial Service officers of the best type, to be selected by the Federal Public Service Commission.

Governors are unanimously opposed to the idea of secondment from the Home Civil and/or the Colonial Service except that the Governor of the United Provinces would not rule it out altogether as a temporary measure and the Governor of Assam favours a limited amount of secondment from the Home Civil Service only for the filling of specialised posts. It should perhaps be pointed out in this connection that the idea of an Imperial Overseas Service, members of which would be interchangeable between India, Burma and the Colonies was investigated at the time of the formulation of the "War Service" Recruitment Scheme but was found to be impracticable. It was agreed, however, that the possibility of secondment of selected officers from the Home Civil Service for limited periods need not be excluded.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/23

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
1 January 1946

I hope you have had the holiday at Christmas that you intended to take. You have certainly had a very strenuous time since you assumed office and it looks as though there is plenty of work ahead too.

2. I flew down to Calcutta on Boxing Day and saw the race for the Viceroy's Cup that afternoon. The Maharaja of Parlakimedi, lately Premier of Orissa, owned the favourite which had just before won the King-Emperor's Cup. He was unlucky as another horse of his broke down during the race and caused the favourite's jockey to be unseated. The accident also interfered with the second favourite, and an outsider won: so Parlakimedi who is rather a nice fellow, had a very disappointing day. On the 27th I gave an address to the Institute of Engineers and watched the finals of the amateur golf championship.

3. On the 28th we flew to the Andamans by a Sunderland Flying Boat and spent a busy afternoon in Port Blair. The Japs were guilty of some extremely

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unpleasant atrocities in the islands and I think the population were genuinely delighted to see us back. The Japs clearly intended to make the islands an important base and they constructed a great many fortifications during the early period of their occupation. Later of course their communications broke down and they were told to live on the country. When we took over there was about 19,000 surrendered personnel in the islands, and of these about half have now left. The other half are expected to move during this month. The Japs have been useful since we reoccupied the islands. Their discipline has been excellent and they provide far better labour than the local population. The job of rehabilitation has been very well handled so far and some journalists whom I took with me, including the usually very unfriendly Congress journalist of the *Hindustan Times*, were clearly impressed. The convict settlement has of course to be closed down and this changes the whole economy of the islands. There will no longer be justification for a large deficit budget such as used to be the order of the day. We have a very valuable asset in the forests and the production should be expanded fairly rapidly. There is not a large supply of local labour and at present the Chief Forest Officer imports for the most part Indian Christians from the Ranchi neighbourhood. It may be possible to settle some Madrassi ex-soldiers in the islands and I think that once they get used to the place, they would be happy and prosperous there. The islands are attractive to look at, but they would hardly make a health resort as there is heavy rain over a considerable period of each year.

4. We had intended to take off again in the night and arrive at Calcutta about breakfast time on the 29th, returning to Delhi the same day. It proved however impossible to take off at night and we did not leave till early on the 29th morning. We then spent one night in Calcutta and came back here on the 30th. My only regret about the trip is that we were unable to visit the Nicobars where the aborigines are friendly and attractive people. It is not possible to come down there in a flying boat because the waters are mined.

5. You may be amused in the account of the visit which our friend of the *Hindustan Times* wrote and I send a copy by this bag. He appears to have been upset about alleged questions of precedence, but he was bound to say something critical and I do not think there is anything very much in his complaint. The journalists had all to sleep in the civil hospital and arrangements were a bit crude as no one expected us to spend the night on shore.

6. I expect you have seen the summary of the Sapru Committee Report.[1] I think it was more or less obsolete before it was ever published, but there may be details in it which will be useful at a later stage. The weakness of the report, I think, is that it does nothing to bridge the gulf between the Congress and the Muslim League, though Matthai and Mody, in a Minority Report,

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suggest that the Muslims should have self-determination in Muslim areas if they insist on it.

7. I send with this letter Casey's description[2] of his latest interview with Gandhi. It is rather an entertaining document and I think you will enjoy reading it. It shows what an odd mixture Gandhi is and how very rambling any discussions with him tend to be.

8. I also send in this bag a report of Nehru's speech at the States People's Conference in Udaipur. It is of some interest as showing the attitude of the Congress towards the Princes and towards the problem of the States. Nehru thinks that 15 or 20 States should form autonomous units in the Federation but that the vast majority must be absorbed into neighbouring Provinces.

9. I should like to announce Dalal's resignation about the 10th of this month, but I shall have to await information that the King has accepted it.

10. You enquired in your letter of the 7th December[3] whether you would receive any recommendations from the Government of Bengal arising out of the proposals in Rowlands' Report. The following recommendations are those on which your orders will be required:—

(1) The abolition of the posts of Commissioners of Divisions. This recommendation is still under consideration with the Bengal Government.

(2) The equalisation of prospects of District and Secretariat officers, abolition of fixed pay to the posts of Secretary to Government and creation of selection grade appointments for I.C.S. officers (paragraphs 344 to 347). The Bengal Government are doubtful whether these proposals should be accepted, but if they decide in favour of them, the necessary recommendation will be sent up.

(3) Increase in the number of Districts (paragraph 105) and increase in the number of members of the Board of Revenue (paragraph 154) in so far as they involve an addition to the I.C.S. cadre. The Government of Bengal have already recommended an addition of 80 officers to the I.C.S. cadre and they took into consideration the views of the Rowlands Committee. The recommendations of all the Provinces which were collected by an officer on special duty are under examination and your orders will of course be taken.

11. I am afraid the food situation is again thoroughly unsatisfactory. We are at the moment considering whether we should not send Ramamurti, the Madras Adviser, and Manilal Nanavati, both of whom were members of the

[1] Sir T. B. Sapru, M. R. Jayakar, Sir N. Gopalaswami Ayyangar and Sir Jagdish Prasad, *Constitutional Proposals of the Sapru Committee* (Bombay, Padma Publications, 1945).

[2] No. 311. [3] No. 273, para. 12.

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Woodhead Committee, to London and Washington to represent our needs of imports. I will not write at length on this subject here as you will have heard about it by telegram.[4] We are, however, getting into a dangerous situation, and if food difficulties coincided with a decision by Congress to order a mass movement as a result of dissatisfaction with progress about the new constitution, the danger of the political situation would be very much increased.

12. Though the position in Java seems to have improved, I hope you will let me know as soon as you can whether we shall be able to make a statement soon after the Assembly meets to the effect that Indian troops in Indonesia will not be employed in active rôles. As you will see from Nehru's speech at Udaipur which I have mentioned above, this is going to be a major issue unless we can make a satisfactory statement.

13. I have just received your two letters, dated the 20th and 21st December,[5] but I shall have to comment on these in my next letter. I have also received your letter of the 21st December[6] enclosing letters to Jinnah and Azad,[7] which I have forwarded to them.

[4] L/E/8/3329. [5] Nos. 302 and 306. [6] No. 307. [7] See No. 308.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/WS/1/1023: ff 224–7

TOP SECRET NEW DELHI, *1 January 1946*

No. 696/6/G

My dear Pethick-Lawrence,

You will remember that I first raised the question of the future of Gurkhas in the Indian Army with your predecessor when I was in London in April. At that time I gave him a copy of Auchinleck's paper on the subject of Gurkhas which he had prepared for my information. The general conclusions of that paper were:—

(a) That an autonomous Indian Government might be unwilling or unable to employ Gurkhas who are not nationals of India in the Indian Armed Forces. Even assuming that they wished to do so, the future Indian Government, whatever its political complexion, will be unable to retain for reasons connected with the future organization of the Army more than a proportion of the twenty Gurkha battalions which were in existence before the War.

(b) That the attitude of Nepal on this question was not known but that it is necessary for Nepal to find an outlet for her surplus manpower and her economic well being depends to some extent on the money brought into

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the country by the Gurkha soldiers of the Indian Army. For various reasons, however, service under a Dominion Government of India is not likely to be welcomed by the Ruling Class in Nepal.

(c) That as H.M.G. are likely to be short of manpower they might be prepared to employ some or all of the Gurkha battalions which form part of the present Indian Army. This would be in accordance with the sentiments of both countries since H.M.G. owes a debt of gratitude to Nepal for the assistance given in two major wars, and there can be no doubt of the friendly feelings of the ruling family of Nepal towards Britain.

(d) That before any definite plans could be made, it was necessary first to obtain the views of H.M.G. If these were favourable, the Nepalese Government could then be approached.

2. As a result Mayne was authorised to make an informal enquiry from the C.I.G.S. as to whether the War Office would be likely to be able to use up to twenty battalions of Gurkhas—the number maintained in the Indian Army before the war—should a future Government of India be unable or unwilling to continue to employ them in the Indian Army.

The C.I.G.S. replied to the effect that it could be assumed for purposes of planning that the War Office might be able to use up to twenty battalions of Gurkhas.

3. At the end of October last year, Auchinleck paid a visit to Nepal at the request of the Nepalese Government, and I arranged that he should take the opportunity of broaching the subject of the future employment of Gurkhas with the then Prime Minister and Maharajah of Nepal, General Sir Joodha Shumshere. Until then no discussions of any sort had been held with the Nepalese, although they must themselves have been giving considerable thought to this matter since it affects materially the economy and well being of their small kingdom.

4. The following points emerged from Auchinleck's discussion with the former Prime Minister:—

(a) Nepal would still be willing to provide recruits for the Gurkha Units of the Indian Army should a future Dominion Government of India desire to retain these units.

(b) The prospect of Gurkha Units being employed directly under H.M.G. (as part of an Imperial Strategic Reserve) appealed to the Nepalese very strongly indeed.

(c) Of the two alternatives, that is, service for their Gurkha Nationals under a Dominion Government of India or under H.M.G., the Nepalese much preferred the latter.

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The discussion was informal, but it is safe to assume that General Sir Padma, the present Prime Minister, will be in agreement on this subject with his predecessor.

5. Early last month the C.I.G.S. paid a visit to India, and Auchinleck was able to discuss this subject further with him. The C.I.G.S., no doubt as the result of still more detailed study of the future of the British Army, was not sure that H.M.G. could employ Gurkha troops, though he did not by any means definitely reject the idea.

6. Auchinleck made it clear to the C.I.G.S. that if Gurkha troops were employed by H.M.G., they would have to form a sort of Foreign Legion under H.M.G. and would be entirely independent of the Indian Army or Government of India, being enlisted and serving on terms which would have to be the subject of negotiation between H.M.G. and Nepal. He also pointed out that at present they could furnish only infantry units, and that H.M.G. would have to find British officers for them, though no doubt the Government of India would be prepared to agree that British regular officers of the Indian Army who are now serving with Gurkha units should have the option of transferring to British Service or of remaining in the Indian Army for service with Indian units. The Commander-in-Chief suggested that in view of the difficulties of H.M.G. in finding British troops for garrisons overseas and of the lower cost of Gurkha units, it might seem desirable to H.M.G. that Gurkha infantry should be employed to find garrisons for such places as IRAQ, ADEN, CEYLON, BURMA, SINGAPORE, HONG KONG and BORNEO. He further mentioned that a future autonomous Government of India might find it difficult or inexpedient to provide Indian Army units for the garrisons of these places. Moreover, H.M.G. for their part might wish to avoid having to depend for this purpose on Indian troops who might be liable to sudden withdrawal at will by a future Government of India, should political differences arise between it and H.M.G.

The C.I.G.S., while in no way committing himself, was clearly attracted by these possibilities, and will, no doubt, examine them in detail on his return to London.

7. Plans for the future Indian Army are now being worked out here, but finality cannot be reached until a decision is made as to the future of the Gurkha Rifle regiments, which have hitherto formed roughly one fifth of the total Infantry in the Indian Army.

8. I have discussed this subject with Auchinleck, who tells me it seems certain that we shall have more than enough Indian Infantry battalions to meet all our requirements and that the Gurkha Rifle battalions can be made available for service under H.M.G. without causing us serious inconvenience. If we do retain Gurkha Rifle battalions in the Indian Army, it will mean that we shall

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have to discard a larger number of pre-war Indian Infantry battalions and I doubt if Indian public opinion would regard this solution with favour. In any event the number of Gurkha battalions would have to be drastically reduced, probably at least to half of the number existing before the war.

9. There is also another aspect which must be given most serious consideration. I am sure you will agree with me that in this matter our ultimate object must be to preserve for the purposes of Imperial defence the very valuable asset which we now possess in the Gurkha units. British manpower for fighting purposes appears to be extremely limited, and the Gurkhas are, as you know, probably amongst the best soldiers in the world if properly officered and trained, as they have been in the Indian Army. It is possible that an autonomous Indian Government, with India still within the Empire, might desire to retain the Gurkha element in the Indian Army, even though this would mean displacing Indians who might otherwise take their place in that Army. Even if this were to happen, however, there would be no guarantee that, within say five years or so, the Government of India would not revoke this decision as a result of political pressure which might be put upon them. This would appear to be a likely contingency and, should it happen, we should be faced with the complete loss of the fighting Gurkha manpower which has been so useful to us in the past. By that time it is more than probable that H.M.G. would be unwilling or unable to absorb the Gurkha units in its strategic reserves or overseas garrisons, and there would be no other employment for them.

From every point of view, therefore, including that of the Gurkha soldiers themselves, to whom I feel we are under an obligation to find employment if we possibly can, it would seem that H.M.G. should now definitely decide to employ as many as possible of the pre-war Gurkha battalions.

10. If you agree with this view, I should be grateful if you would press the War Office for a very early and definite reply as to whether they are prepared to offer employment to Gurkha soldiers under the Crown, and if so in what numbers. I would stress the point that such employment must be of a reasonably permanent character. Temporary employment to tide over the present emergency until peace is finally concluded will not meet the case in any way.

11. I am sure you will recognise that this is a most delicate matter in which strict secrecy should be observed by all concerned.

Yours sincerely,

WAVELL

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Mr Casey (Bengal) to Field Marshal Viscount Wavell

L/P&J/5/152: ff 16–20

No. R.G.C. XXVI CALCUTTA, *2 January 1946*

My dear Lord Wavell,

Disturbances in Calcutta & Howrah, 21st to 23rd November 1945

I have already forwarded to you with my telegram No. 413 of the 28th November[1] the text of a factual statement about these disturbances which was subsequently issued to the Press for publication on the 30th November. (For convenience of reference I enclose a copy).[2] The Commissioner of Police has now completed the prescribed inquiries into the fourteen separate incidents in which firing was resorted to by the Calcutta Police and I have also just seen his report on the disturbances as a whole. In the light of these there is little to say by way of modification of that contemporary statement which, I believe, still gives a reliable picture of the course of events both in Calcutta and in Howrah. So far as Howrah is concerned I have nothing to add, and the following observations primarily concern Calcutta.

2. It is now clear that the initial clash with the Police, in Dharamtala Street on the afternoon of the 21st November, while it was deliberately sought by the students concerned was not the result of a widespread conspiracy to plunge Calcutta into anarchy. The student organisation which sponsored the meeting and procession had been warned on both 20th and 21st November that entry into the prohibited area would not be permitted. The procession was a deliberate act of defiance of authority by students, primarily those associated with Subhas Bose's Forward Block, worked up to a state bordering on hysteria by previous propaganda in favour of the I.N.A.

3. It is not clear that the student element in the original procession was the first in the crowd to have recourse to brickbats but it is clear that, in the trial of patience between themselves and the police, the students' patience ran out first and they precipitated the riot by trying to force the cordon and attacking the police. When defiance had led to bloodshed it was not difficult for the students, in the prevailing exacerbation of public feeling, to bring about widespread disturbances. Once rioting had commenced, students took their full share in it.

4. The two incidents, of 21st and 22nd November, in Dharamtala were primarily student processions, though naturally a considerable accretion of hangers-on, supporters and hooligans joined in when trouble began. The students also were the principal agency by which the stoppage of all means of

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transport was enforced next day though in this they were speedily assisted by other elements, including a number of Sikh taxi drivers; the trams were taken off the streets by the active intervention of the communist-controlled tramwaymen's Union. Interference with transport was at first mainly by persuasion, though backed, of course, by threat of force. As the day proceeded, interference became steadily more violent in character. The students must bear their share of the blame for this but the actual violence was probably perpetrated more often by Sikhs, "up country" mechanics and the hooligan element generally. This is particularly true of the area most affected, Bhowanipore, in South Calcutta. The mobs in North Calcutta contained a higher proportion of students and *bhadralog* and were definitely less dangerous, less expert and apparently less determined than those in South Calcutta where (including the two Dharamtala incidents) thirteen of the fourteen shooting incidents occurred.

5. Both in North and South Calcutta a feature of the disturbances comparatively new to Bengal was that the crowds when fired on largely stood their ground or at most only receded a little, to return again to the attack. This is partly because firing was carried out mainly with revolvers and in self-defence, by small groups of sergeants detached from support or operating for the extrication of wounded persons (often military personnel hauled off lorries) or to extinguish burning vehicles. There was comparatively little firing to disperse the crowds finally. The armed forces were not called upon to open fire for this purpose. The comparatively sudden collapse of the disturbances, though apparently capable of bearing a somewhat sinister implication, seems in fact attributable not to unified planning and control of the whole movement but to the inter-action of a number of factors. Chief among these was the fact that the disorders, coming at the moment they did, suited the book of none of the main political parties. Some Congress leaders from the first tried to restrain the violence of the student element, without initial success. Throughout the forenoon and early afternoon of the 23rd, Congress and some Communist propaganda cars toured the affected areas dissuading the students from further participation. At the same time resolute action by the police in clearing road blocks on the morning of the 23rd, the warning in the Press the same morning that adequate steps had been taken to protect military vehicles and property and a broadcast I gave that night (in which I made it plain that we should not shrink from utilising the armed forces in support of the civil power) all had their part in bringing about the sudden collapse of the trouble and the speedy return to normal conditions.

6. So far as casualties and damage are concerned the figures given in the Statement already published may be taken as substantially correct, as will appear from the revised statement enclosed.[3] On the side of the rioters, hospital

[1] L/P&J/8/572B: ff 47–8. [2] and [3] Not printed.

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records show that 31 were killed (all by gunshot): of these 27 are definitely attributable to police firing: the remainder may have been caused by military personnel on vehicles who, it is known, had, on occasion, to shoot their way out of road blocks. 179 members of the public were treated in hospital for injuries caused by gunshot wounds, lathi blows or brickbats. Both on the side of the forces of law and order and on the side of the rioters there were doubtless many minor injuries which did not come to notice.

7. The result of the Commissioner's inquiries has been, in all cases but one, explicitly to exonerate the police from blame as regards opening fire and the quantum of firing that took place. In almost every case firing was resorted to in defence of life or of Government property. In the one case in which the Commissioner's finding is less definite as to the control of the firing and its quantum, the evidence is being reviewed by my Chief Secretary. The Commissioner's report indicates very clearly that a very grave degree of disorder prevailed, especially in South Calcutta, for thirty-six hours on the 22nd and 23rd November and while there may be reason to doubt (and this is a matter we are inquiring into) whether all the forces at the disposal of the C.P. were adequately utilised, there can be no doubt that the forces actually employed were always hopelessly outnumbered, and often in a very tight corner in the face of an unusually determined and fanatical mob.

8. We have tried to draw for ourselves the necessary lessons from the events of these three hectic days. I think the first lesson is that, though the disturbances were not planned, at all events on the scale on which they took place, there is a spirit of lawlessness abroad which, as in 1942, can, on a slight and sudden cause, be worked up with remarkable speed to produce, over a very wide area simultaneously, manifestations paralysing to the life of the community. It is clear also that with every one of these outbreaks, the technique of the mob is improving; this was noticeable also in the methods of temporary sabotage indulged in by the water-works staff in the unconnected but simultaneous Corporation employees' strike. This is a feature that may be expected to be even more marked in future disturbances, with the return to India of persons trained in sabotage,—like the members of the I.N.A.

9. As I have already indicated, we are looking into the question whether the present system of employing sergeants as a striking force and keeping the Armed Police in reserve is that best calculated to produce satisfactory results.

10. Another lesson is that our Police transport was found to be in bad shape. We are replacing a considerable number of vehicles.

11. Of one thing we are all convinced,—inter-communication between Police forces, police stations and outposts and police headquarters must be

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greatly improved, preferably by wireless. This applies both to Calcutta and to the Province as a whole—and we are in course of making the necessary improvements and innovations in our communications.

12. So far as the mofussil is concerned, air transport may well exercise a determining force in nipping trouble in the bud. Thanks to the war, we already have a number of good aerodromes: we are examining urgently the provision of further airstrips to permit of quick reinforcement of our police in any district of the Province. A problem to be faced will be that of keeping these landing grounds clear of deliberate obstruction when they are needed.

13. I am sending copies of this letter to the Governors of Bihar, Orissa and Assam.

I am,
yours sincerely,
R. G. CASEY

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Sir F. Wylie (United Provinces) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/274: f 4

SECRET GOVERNOR'S CAMP, UNITED PROVINCES,
No. U.P. 1/46 *2 January 1946*

5. I have little to say about politics. The only personality of any consequence whom I have seen so far is Chaudhri Khaliq-uz-zaman, the local Muslim League leader. I liked him, but the strong impression that I got when I was talking to him was that he did not believe in Pakistan any more than I do. If there are to be separate Muslim States however they must according to him have plenty of Hindus in them to provide an insurance against the Muslims of Oudh being maltreated by the majority community here. He was very naïve about this and almost smacked his lips at the thought of the fun the Pakistan Government(s) would have in protecting—vicariously—the interests of their co-religionists in Hindustan!

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Cabinet

India and Burma Committee. Paper I.B. (46) 2

L/E/9/544: ff 276–9

Distribution of Legislative and Executive Powers Between the Centre and the Provinces

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *2 January 1946*

Under Section 102 of the Government of India Act the Governor-General may in his discretion issue a Proclamation that a grave emergency exists whereby the security of India is threatened whether by war or internal disturbance. While this Proclamation of Emergency is in force the Centre has concurrent legislative and (under Section 126 A) concurrent executive authority in respect of all the subjects in the Provincial Legislative List. In September 1939 a Proclamation under this Section was issued and wide use was made during the war by the Centre of the powers which they thereby obtained in the Provincial field.

2. It will not be reasonable to delay much longer the revocation of the Proclamation of Emergency, as it was issued with reference to the existence of a state of war and indeed action taken by virtue of it may be open to challenge in the Courts. Its revocation is, therefore, contemplated with effect from 1st April, 1946. The effect of this will be that Central legislation enacted by virtue of the Proclamation will lapse six months later, i.e. on 1st October, 1946 and the Government of India will lose on 1st April their executive powers under Section 126A, although they will continue to be able to exercise until 1st October the wide executive powers which flow from existing legislation, e.g. the Defence of India Act.

3. The Government of India are content to see the bulk of their powers in the Provincial field lapse in this way. But there are certain all-India controls in the economic field, the continuation of which is vital if a breakdown of India's economy and possibly a famine are to be avoided. If we refuse to give the necessary powers to the Centre in this field, we shall lay ourselves open to the allegation that our professed interest in the development of India's economy is false. The following are examples of the controls in question:—

(a) Foodgrains. In the absence of Central control over the movement and prices of foodgrains, it would be open to Provinces each to fix its own price level with a view to drawing foodgrains within its borders from

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other parts of India. To prevent a steep increase in prices the Centre would have nothing on which to rely but its powers of persuasion over Provincial Governments, reinforced by its ownership of imported foodgrains.

(b) Cotton textiles. Failure to maintain even distribution of and reasonable prices for cotton textiles in India would affect the whole economy of the country and might force the Government of India to restrict exports below the present level, thus making the world cotton textile position even more difficult than it is at present.

(c) Industrial raw materials, e.g. coal and raw jute, the distribution of which has to be controlled, in some cases to ensure that supplies are equitably distributed amongst Indian industries on an all-India basis and in others to facilitate procurement for export.

(d) Constructional materials such as timber, cement and iron and steel will remain for some time in short supply in India and in the absence of Central control it will become impossible to ensure that high priority constructional projects get their requirements in preference to purely speculative enterprises.

(e) Consumer goods, particularly kerosene, remain in short supply in India and it will probably be necessary to control their distribution and prices on an all-India basis.

4. In order to meet these difficulties the Government of India have suggested that a Bill should be introduced in Parliament amending the Government of India Act by removing—

(a) "Trade and commerce within the Provinces" (part of item 27 in List II).

(b) "Production, supply and distribution of goods" (part of item 29 in List II).

(c) "Unemployment" (part of item 32 in List II).

from the Provincial Legislative List to the Concurrent Legislative List for a period of five years and also for the same period to give the Centre concurrent executive authority in this field. They wish to see included in the same Bill provision to continue to the Centre for a limited period certain powers in respect of requisitioned land and buildings; this presents less political difficulty.

5. In contrast to the risk mentioned at the beginning of paragraph 3 attendant on refusal of the powers desired I see the following difficulties in accepting the Government of India's proposal:—

(a) If the Centre were entrusted with the powers suggested, there would be no legal bar on their using them, not only for the purposes described in paragraph 3 above, but also in order to bring under Central control

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the development of industry in India. The Government of India published, on 23rd April 1945 for the consideration of Provincial and State Governments, a statement of their industrial policy,[1] which contained far reaching suggestions for the development of certain selected industries under Central control and encouragement and for the establishment of a licensing system for all industrial projects with a view to preventing the establishment of any projects which the Government of India, in the case of Centrally controlled industries, and the Provincial and State Governments in the case of other industries, regard for any reason as undesirable. It will in fact be difficult to draft a Bill which will give the Government of India the powers they must have for the purposes indicated in paragraph 3 but which will maintain a legal bar on their using these powers for such wider purposes as these. For example control over the distribution of constructional materials or coal supplies could be so administered as to prevent new industries of which the Government of India disapproved being established.

(b) The distribution of powers between the Centre and the Provinces embodied in the Government of India Act represented a delicate political compromise which we must not lightly disturb, particularly at a time when the future of India's constitution is coming up for consideration. We might be represented as seeking to give the constitution a twist towards centralisation which would make a political settlement in India on the lines of a loose federation more difficult and the Centre might in fact use these powers in a way which would make it actually more difficult eventually to decentralise on the Provinces once more authority in the economic field. Alternatively newly formed Ministerial Governments in the Provinces, whether predominantly Congress or Moslem, might, on different grounds, raise objection to the endowment of the Centre with these powers.

(c) So long as the Secretary of State is in practice able to control the Government of India and the Central Legislature through the Governor-General, it is possible to ensure that the Centre does not abuse the legal powers which are given to it. But if the Governor-General's Executive Council is drawn from the political parties, it will become in practice increasingly more difficult for the Secretary of State to exercise his legal powers of control. It is therefore necessary to be particularly cautious at the moment regarding the powers in the Provincial field which we ask Parliament to entrust to the Centre.

(d) The Provincial Governments have been consulted on the Government of India's proposals summarised in paragraph 4 above and have in general accepted them. The competence of the Governments of Provinces now administered under Section 93 to speak for their Provinces in a matter

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of this importance is, however, doubtful and it is clear that the Provinces have not appreciated the possible implications of the Government of India's suggestions.

6. I have pointed out these difficulties to the Viceroy. I have told him that it seems essential that the extent of the powers in the economic field continued to the Centre should be restricted to the minimum necessary to prevent distress and I have asked him to define more precisely the field in which he considers that the Centre must retain special powers. I have suggested that they might be confined to foodgrains, raw materials and a few specified manufactured goods. I have also suggested that they be given for only two years in the first instance, subject to renewal in whole or part for further periods of one year at a time up to a total maximum of five years by a Resolution approved by both Houses of Parliament.

7. When I receive the Viceroy's reply to my telegram I shall bring the matter before the India and Burma Committee for consideration. In the meantime the Committee will doubtless wish to be aware of the existence of this problem.

P.-L.

[1] L/E/8/3821: ff 393–8; the date should be 21 April 1945.

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Entry in Mr Casey's Diary (Extract)

Photo. Eur. 48/4

2 January 1946

M. A. Ispahani called on me this afternoon.

He told me that *Mr Jinnah* was going to come to Calcutta in early February—and he hoped very much that I would meet him.

He said that he had had a long talk with *Nehru* while he was here and that Nehru had made it quite clear that my talks with him (and the other Congress leaders) had done a great deal of good. He said that *Nehru* had told him that he (Nehru) had never been approached in the same way before.

Ispahani asked if it was not possible for me to stay on at least for a few months longer in Bengal—as he believed that I was the only individual at the moment who could exercise a benevolent and unbiassed influence on both Congress and the Muslim League.

I explained to him that I did not think that this was possible—and that, in any event, it would do no good, as the job of negotiating with the two great parties was the *Viceroy*'s task and not mine.

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He said that unfortunately the Viceroy did not like Jinnah, and that Jinnah realised this, and that it made him stiff and more intransigeant.

I asked Ispahani if the *Muslim League* was still absolutely intent on Pakistan and nothing else. He said that, as for himself, he was not. He regarded the problem as an economic one—in that it was essential for the Muslims to get opportunities for self-advancement, administratively and otherwise. I got the definite impression that adequate safeguards would be acceptable to the Muslims, in place of Pakistan.

Ispahani said that there was an "almost fanatical determination" that they were not going to be dominated and overlain by the Hindus any longer. He said that the present leaders of the Congress were banias—small minded merchants with whom it was impossible to get along—they're all take and no give.

He assured me with some passion that the Muslims would fight rather than be dominated by the Congress. If they fought now, they could hold their own—but when the Hindus developed their war industries, then (in 10 or 15 years' time) they (the Muslims) would have no chance.

He (Ispahani) realised very well that the day of small states was passed.

He assured me that the Muslims wanted to co-operate with the British.

He said that they (the Muslims) could not extract adequate safeguards for themselves out of the Congress—but that we (the British) could do so.

He believed that if we imposed an interim government on India, with adequate safeguards for the Muslims, it would be accepted.

So far as the future is concerned, he said that the Muslim League wanted to come to a fair arrangement with Great Britain—and to have something approaching "a real partnership" with them for the future, to the mutual benefit.

He said that it was impossible for the Muslims to achieve economic emancipation at the hands of the Hindus.

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Field Marshal Viscount Wavell to Mr Casey

R/3/1/108: f 144

SECRET *4 January 1946*

No. 592/30

My dear Casey,

Many thanks for your most interesting letter of the 31st December[1] about constitutional problems. I am very glad to have your views, and in a number of respects we evidently see eye to eye. I am not, however, very convinced of the value of plebiscites or of their desirability from the point of view of law and

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order. And I think we must carry out the Preliminary Conference provided in the announcement of September 1945.[2] It will be for this conference, and not primarily for the Executive Council, to decide the composition, procedure, etc. of the Constitution Making Body.

2. I have sent my plans home and if you are able to come up here before you hand over, I will show them to you and discuss them.

Yours sincerely,

WAVELL

[1] No. 320. [2] No. 116.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/23

PRIVATE AND SECRET INDIA OFFICE, *4 January 1946*
Received: 11 January

I had a very pleasant respite during Christmas week which has refreshed me. I am grateful to you for not interrupting it with any difficult business.

2. I have two letters from you to answer, dated 18th and 25th December.[1] Both of them deal with some subjects on which I shall have to take advice so that this reply will not be comprehensive. First of all let me thank you for your New Year good wishes. My wife and I send ours to yourself and Lady Wavell. We certainly have a very critical year before us and I hope that it will be one of constructive achievements.

3. I am awaiting with great interest your plan of action[2] which you have just let me know was posted on the 30th December. I was a little surprised at your suggestion that I might include something in my broadcast to the effect that we should make a move in March. I quite see the arguments which you put to me subsequently about this, but I think it is a very crucial point.[3] At the moment I am not very clear where we should be if another deadlock between the Muslim League and the Congress arose in regard to the interim executive, and I see some danger that if we take this as a first fence and fall down on it we might not reach the second one at all. In short, I am wondering whether we do not have to take both fences together since an agreement on how to proceed on the long-term matters may be an essential accompaniment of the Muslim League coming into any interim arrangements. But I will not pursue this point until I see your full arguments which we shall have to consider with great care and I am keeping my mind quite open on this point.

[1] Nos. 296 and 314. [2] No. 315. [3] See Nos. 298, 301, 305, and 312.

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3. [*sic.*] I was certainly interested in Jinnah's statement[4] on Pakistan. One cannot tell precisely what he envisages, but so far as it goes his admission that there will have to be frontier adjustments is a move in the right direction, as if we do come to having Pakistan, considerable adjustments of that kind seem to me to be inevitable.

[Para. 4, on a passage for a woman war worker; and para. 5, on the ex-Sultan of Turkey's burial, omitted.]

6. I think it is a very good thing that you have been able to visit the Andamans. I should be interested to hear your account of the situation there.

7. I am very glad you have been able to provide a third seat for Labour among the nominations to the Legislative Assembly. This will go a considerable way to meet the point of view which has been put to me by my Party. When you have decided about the Council of State, perhaps you will let me know the reasons why you were not able to go to four seats for Labour so that I shall be able to answer any enquiries I may receive on the point.

8. The Parliamentary Delegation went off yesterday. I have telegraphed[5] some points about them to you for your information. They have not had a very good press in India but it is as well I think that the visit has not aroused undue expectations. Whether it is the fact that the Calcutta riots were recognised as premature or the effect of the recent statement, it is a relief that the temperature does seem to have fallen in India considerably, even though this may be temporary only. I would agree that those are the most important factors, though I think it very likely that Casey's talks did help to improve the situation though only from a psychological point of view.

9. Thank you for what you say about the use of tear smoke. No doubt when Casey's enquiry into the Calcutta riots is complete you will let me know the upshot. We have been fortunate I think in escaping a more strongly pressed demand for a full-dress enquiry into the police methods in the Calcutta rioting, but if there are any lessons to be learned from what occurred it is important to get them learnt before worse trouble arises.

10. In paragraph 14 of your letter of the 25th December you asked what progress had been made in regard to the High Commissioner. I told you, I think, that some opposition had developed to the proposition that the High Commissioner should be under the India Office and that I have been seeking a compromise solution. The alternative that found most favour has now been discussed and a proposal is being put up to the Prime Minister that the High Commissioner should be in principle responsible to the Prime Minister and the Prime Minister responsible for him to Parliament. His channel of correspondence would be, accordingly, with the Cabinet Office. The Cabinet Office would in practice allocate his correspondence to particular departments

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according as they were primarily concerned with the matter. Parliamentary questions about the High Commissioner, unless falling clearly into a departmental sphere such as that of the Board of Trade, would be answered by the Prime Minister himself if they were of major importance, or in ordinary circumstances by one of the Ministers without Portfolio on the Prime Minister's behalf. This if approved by the Prime Minister would not be a wholly satisfactory solution but it is probably as unobjectionable as can be devised until such time as India acquires full self-government and departmental responsibilities here are revised suitably to that new situation.

11. I am grateful to you for your reply to my telegram[6] about the proposals for a Bill to extend the war-time powers of the Centre for five years from the 1st April in respect of certain economic matters. This seems to me to be a very difficult and also urgent matter and I am laying it before my colleagues next week with a recommendation in favour of a measure on the modified lines to which you have agreed.[7] At the same time it causes me some misgivings to have to tamper with the distribution of powers between the Centre and the Provinces just at the time when the constitutional problem is coming to a head. Obviously the distribution of powers will be a crucial point and any enhancement of the Centre's authority over the Provinces makes a *modus vivendi* more difficult. I can, however, well see the force of the practical arguments for some extension to enable control to be maintained over the food situation and our supplies in general during the next two or three difficult years with which the whole world is faced in the economic field.

12. I was interested to see from paragraph 16 of your letter of 5th December[8] and the note[9] on the importation of capital goods for the Indian States which was sent separately to my Private Secretary, that the points made as regards the Indian States in my letter to you of 28th September[10] are regarded as having been, on the whole, adequately covered. There was however one aspect of this matter mentioned in my letter of 28th September which you do not cover. Colonel Slaughter gave my Office the impression that Hyderabad might decline to apply for the registration of orders for capital equipment placed on their own account overseas, on the score that such application was inconsistent with their dignity and implied acceptance of the fact that through the Capital Goods Registration Scheme the Government of India can control the planning of industry on an all-India basis. My Office advised Colonel Slaughter to urge his Government to apply in the ordinary way for registration of their orders and he tells us that he did so. I should be most interested to learn whether there is

[4] Annex to No. 296. [5] Tels. 1 and 150 of 2 January. L/PO/6/102c: ff 320–4.
[6] Tel. 27844 of 17 December 1945. L/E/9/544: ff 302–4.
[7] In tel. 20–S of 3 January. *Ibid.*: f 274. [8] No. 268. [9] L/E/8/3618.
[10] Dealing with general issues raised by Mir Laik Ali's complaints about the application of the G. of I.'s Capital Goods Import Registration Scheme to Hyderbad. *Ibid.*

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in fact any sign of the Hyderabad Government refraining from making application for the registration of their own orders.

There is another point affecting the Provinces—which I made in paragraph 6 of my letter of 28th September, which you have also not yet dealt with specifically. It seems possible that when the Proclamation of Emergency under Section 102 is revoked, action by the Centre to use their import control powers to enforce the Capital Goods Registration Scheme and thus regulate the establishment of new industries and the expansion of existing ones, may be held to be illegal, on the ground that this would be an encroachment on the powers exercisable by the Provinces in connection with item 29 of the Provincial Legislative List. As you will have seen from my telegram No. 28944[11] of 17th December, I do not think that we can continue to the Centre, after the revocation of the Proclamation of Emergency, special powers in the Provincial field which would enable them to implement such measures in the industrial field as those proposed in the Government of India's statement of Industrial Policy of 23 April.[12] I should be interested to know what view your legal advisers take on this point. Paragraph 5 of the note which was sent to my Private Secretary on December 5th does not really touch on it as it speaks of the maintenance of import control only for protective purposes (which of course raises quite different issues) and for currency conservation reasons.

13. I think it would be prudent also to lose no time in taking power to constitute an Executive without three members having 10 years service under the Crown. If you get agreement on a new Executive it would be very desirable to implement it at once and Parliament will adjourn for some weeks at Easter. I therefore think that it would be well to get the necessary amendment before the Easter recess and it may be convenient to include this provision in the Bill about Economic Controls. I shall, however, telegraph to you on that in the near future.

14. Walter Monckton has been invited by Hyderabad to go out to India to advise the Hyderabad Government, mainly I understand in regard to their attitude to the coming constitutional discussions. He is leaving here on the 11th as they want him to be there at the time of the Chamber discussions, so that he could if desirable make contact with other States' Ministers. Monckton of course, advised Hyderabad and some other States during the discussion leading up to the 1935 Constitution. He is on very good terms with this Office and Monteath and Patrick had a long talk with him and think that he will certainly give Hyderabad the kind of advice we should wish them to receive. Patrick is writing in detail to Corfield so I will not say more here, but I feel sure you will agree that we could not possibly place any obstacles in Monckton's way and, indeed, that his visit is desirable from our point of view.

[11] This should read 27844 of 17 December; see note 6 above. [12] See No. 328, note 1.

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Note by Field Marshal Viscount Wavell

Wavell Papers. Notes of Important Interviews, 1943–7, pp. 104–6

5 January 1946

NOTE ON HIS EXCELLENCY'S INTERVIEW WITH MR. JINNAH ON 5TH JANUARY 1946

I saw Mr. Jinnah for an hour this morning. He seemed well but admitted to being under considerable strain from his election work. He began by telling me that he was just off to the Punjab where conditions were "terrible, really terrible". I asked him in what way, and he went off into lengthy allegations against the Punjab Government of using their officials to influence the elections. He claimed that the Unionist Government had never put out a definite communiqué calling on officials to take no sides; and that this should be done. I said that I knew that a great many allegations had been made, and that they were not entirely on one side; I had heard complaints of Muslim officials using their influence in favour of the Muslim League; that I knew the Punjab Government had sent out a circular to Districts emphasising the rules that officials were to take no side in elections, and that the Premier had made a public statement to this effect. Mr. Jinnah said that this was not sufficient and that the Punjab Government ought to issue an official communiqué, "as had been done in all other Provinces". I said that I did not know that all other Provinces had put out a communiqué, but that I was quite certain that it had been made clear to officials in the Punjab that they were not to use their influence for either side. I said that I would let the Governor know what Mr. Jinnah had said to me. I asked him if he had any specific instances. He instanced Qadian, where he said Zafrullah's brother had seen him and had told him that they had decided to support the Muslim League, that there were 2,000 votes which could be given, and that application for the voters concerned to be put on the Register had been made. Jinnah alleged that when application was made for the necessary official stamps, these were refused by the local Official, and that then time was wasted by reference to higher authorities, who declined to interfere, until the time for sending in the applications was up, and the votes thus lost.

2. Mr. Jinnah then went on to talk about the Shikarpur District of Sind, where he said that the local Official had used his influence in favour of Maula Bakhsh, the brother of the Premier who was assassinated. He took a considerable amount of time relating me the details of this, which did not seem to me to be of very great importance.

3. I then asked him, if he was going to be in Delhi on Monday, whether

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he would come and meet the Parliamentary Delegation at a party. He said he would be very pleased to do so. I asked whether Liaqat Ali Khan was in Delhi, since I should like to invite him also, and he said he would be away till the 12th. I then said that I had never met Liaqat, since he had refused to let him come and see me in Simla. Mr. Jinnah at first denied this, but then admitted that he had refused to let him see me after the breakdown, since he had thought that it would excite too much comment. I said that I liked to make the acquaintance of prominent politicians, and asked him to tell any of his important followers whom he would like me to see to let P.S.V. know when they came to Delhi. He said that during my tour to Ahmedabad and Bombay, perhaps I might take the opportunity of seeing the Presidents of the Muslim League at those places. I said I thought my programme had already been fully arranged, but that if I got an opportunity I would do so.

4. All this had taken a good deal of time, since Mr. Jinnah seldom states an issue shortly. I then spoke of the success of the League in the Assembly elections, and we got down to the political situation. Mr. Jinnah said that the elections proved that Congress was a purely Caste Hindu body, and that in spite of all the money they had spent they had not succeeded in putting up any Muslim candidates or Scheduled Castes. He claimed that the League would sweep the board also in the provincial elections. I asked him how he expected things to go in the North-West Frontier Province; he expressed confidence in winning the elections there and in the Punjab. He said that the elections would simplify matters to a simple issue between Congress and the Muslim League.

5. We then got on to discussion of the Simla Offer. I said that, as he knew, I had not admitted any right by Congress to represent the Muslims in the offer I had made; and that I thought he had made a mistake in rejecting the Simla Offer, and had acted as a Party Leader and a very dictatorial one, rather than considering the interests of the Muslims as a whole. He repeated all the old arguments he had used to me up at Simla to the effect that since he represented the majority of the Muslims he must be taken to represent the whole in any political discussions. I then said that His Majesty's Government were determined to make a big effort to settle the constitutional problem this year and that they would go to considerable lengths to avoid a breakdown. Mr. Jinnah said that the Muslims were prepared to "face the consequences" of anything His Majesty's Government did, but that they were not prepared to compromise. He finished by saying that the only thing to do was to settle the fundamental issue, by which he meant Pakistan, before making any further attempt.

Mr. Jinnah was quite friendly, and his manners were less aggressive than they had been on occasions up at Simla; but he showed no signs whatever of any spirit of compromise. He obviously seemed worried and under strain, I think.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&S/12/1035: f 141

IMPORTANT NEW DELHI, *5 January 1946, 8 pm*
Received: 5 January, 6.35 pm

No. 45-S. Reference to correspondence about use of Indian troops in Java. I hope you will press for arrangement that will enable me to make an announcement early in Assembly Session, i.e., soon after January 21st, that Indian troops will be withdrawn from active roles by a specific date.

2. I now intend to address Legislature on January 28th and that would be best occasion for announcement.

3. Matter is of great importance here and failure to give satisfactory assurance will make it even more difficult to preserve suitable atmosphere for constitutional discussions.

4. If my request has not already been referred to Chief[s] of Staff and Cabinet I hope this can be done immediately. I will discuss with Mountbatten who will be in Delhi when I return from tour on Java,[1] but directive from London is necessary.

[1] In the copy of this telegram sent to Mr Attlee with No. 341, 'Java' was corrected to 'Jan. 12'.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/23

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
6 January 1946

The Parliamentary Delegation arrived safely on the 5th, many hours late and rather weary. I like what I have seen of them. Their knowledge of India is not very comprehensive but they are keen and interested. I knew four of them before—Sorensen, Low, Nicholson and Munster. We have my Executive Council to dine with them tonight (Sunday 6th) and a mixed party of prominent people now in Delhi, including Jinnah, tomorrow evening.

2. Your New Year broadcast was I think excellent, and it received as good a reception in the Press here as one can expect.

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3. I saw Jinnah just before the Delegation arrived. The interview was at my request, as I had not seen him since Simla, and had recently had a talk with Gandhi. He was polite but quite uncompromising, and it looks as though he has no intention whatever of coming to terms with Congress. I enclose a note[1] of the interview in this bag.

4. This talk with Jinnah does not encourage me to believe that I shall find it easy to get together an Executive Council having the support of the principal parties. If, however, I do succeed in doing so it will be necessary to secure an amendment in sub-section (3) of Section 36 of the Constitution Act so as to omit the words "three at least of them must be persons who have been for at least ten years in the service of the Crown of [in] India, and . . .". If you see no objection perhaps you could initiate action now to secure this amendment.

5. Casey has sent me a letter[2] giving his ideas about the political situation and the action that should be taken to secure constitutional advance. I send a copy in this bag. He has left out of account the preliminary conference which was promised by the statement of September 1945. I think this must be included. I also disagree with his idea that plebiscites are necessary. I think that plebiscites would be very difficult to carry out, and might lead to serious disorder; I sincerely hope we shall not have to resort to them.

6. I have been working on my speech for the Chamber of Princes, and I am grateful for your letter of 21st December[3] on the subject. I shall have no difficulty in including the amendments you suggest. At the end of your letter you say you assume that I shall give directions to Residents to impress upon Rulers the importance of co-operation by the States in the shaping of the new India and the need for the smaller States to set their houses in order. Instructions to this effect have already been given. I think it may be difficult to make a formal statement about the position of the Princes, in the near future, but I will write to you separately about this.

7. The sentences in the first batch of I.N.A. trials have been pronounced, and Auchinleck has remitted the terms of imprisonment and only confirmed the sentences of cashiering and forfeiture of pay and allowances. This was a very difficult decision to make. Auchinleck kept me fully informed, and I think that what he did was right. A "national" government would have let out immediately any one of the three who was under a term of imprisonment. Nevertheless there will naturally be many soldiers, both British and Indian, who will resent the leniency shown.

8. We discussed in Council on the 2nd January the question of the move to Simla. Home Department suggested that Headquarters of Government should go to Simla for five months. This proposal received no support at all from the other members, and the decision was that the Headquarters of

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Government should remain in New Delhi but that satisfactory arrangements should be made for the leave and recess of officers and for improving conditions in Delhi. I am quite sure that the custom of Government migrating to Simla for the whole summer or indeed for any part of the summer is completely out of date and that in future the Government will have to function here. We shall have to spend money in improving offices and buildings by air conditioning, etc.: I should say that relief from the expense of the Simla move would go a long way to pay for this.

[Para. 9, about Sir W. Spens' memorandum on judicial reform; and para. 10, stating Lord Wavell had informed Sir A. Rowlands of the position on the use of Sterling Balances to secure Indian pensions, omitted.]

11. As you are aware, the food situation is serious, and Hutchings has just gone off to Washington to represent our case before the Combined Food Board. We may send Ramamurti and Nanavati of the Woodhead Commission to support him in a day or two. Meanwhile a depressing report has come in from Bombay to the effect that they will need an allotment of no less than 250,000 tons in addition to existing allotments. I am going to Bombay Presidency on the 8th and will discuss the whole position with Colville, but I fear we are likely to be in serious difficulty.

12. You pressed us to release textiles for Siam on the ground that with our food situation so bad we must do everything in our power to aid procurement in Siam. With considerable reluctance we have agreed to release 10 million yards, but I had to make it clear in my reply that textiles are just as necessary for procurement to us in India as they are in Siam. If we let too much cloth out of India in the hope of priming the pump in other countries, it is quite possible that our own procurement may fail.

[1] No. 332. [2] No. 320. [3] No. 306.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: ff 227–8

IMMEDIATE INDIA OFFICE, *7 January 1946, 8.35 pm*

528. Superintendent Series. Your Top Secret letter of 27th December[1] enclosing your programme of action. I am at once bringing this before my colleagues.

[1] No. 315.

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2. There is one point on which I am not clear. In paragraph 6 (c) you say that key portfolios would you think now be War, External Affairs, Home and Finance, and that two of these could be offered to Muslims. I am not clear whether you contemplate that War portfolio might be given to an Indian or whether it is part of your plan as it was at Simla that Commander in Chief should remain in the Executive and continue to hold war portfolio. In former event would it not be necessary drastically to re-organise whole Defence set-up in India to avoid British troops coming under Indian control? In latter would not Hindus resent having only one of the four essential portfolios?

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Cabinet

India and Burma Committee. Paper I.B. (46) 3

L/E/9/544: ff 266–7

Distribution of Legislative and Executive Powers Between the Centre and the Provinces

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *7 January 1946*

My Memorandum No. I.B. (46) 2 of 2nd January[1] summarised the situation which has arisen by reason of the Government of India's desire that the Centre should retain, after the revocation on 1st April, 1946, of the Proclamation of Emergency issued under Section 102 of the Government of India Act, 1935, certain powers in economic matters falling within the scope of the Provincial Legislative List (List II of the 7th Schedule to the Act).

2. I have now received a telegram from the Viceroy informing me that the Government of India agree that the concurrent legislative and executive jurisdiction to be continued to the Centre may be confined to:—

(i) "Trade and commerce within the Province" (part of Item 27 in list II in Schedule VII of the Government of India Act), and the "production, supply and distribution of goods" (part of Item 29 in list II—in so far as these heads affect cotton and woollen textiles, paper (including news-print), foodstuffs (including edible oil seeds and oils), petroleum and petroleum products, motor vehicle spare parts, coal, iron and steel, and mica).

(ii) Powers to place in employment ex-Service personnel, discharged war workers and disabled personnel, and incidental matters including the

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running of labour exchanges, employment information bureaux and ancillary organisations.

(iii) Certain powers in respect of requisitioned land and buildings.

The Government of India agree that these powers should be continued to the Centre only for a period of two years in the first instance, subject to extension, as suggested in paragraph 6 of my memorandum of the 2nd January.

3. In view of the importance of the Centre maintaining the jurisdiction in the economic field which it is necessary that it should have if the grave economic difficulties in India summarised in paragraph 3 of I.B. (46) 2 are to be prevented, and in view of the limited extent of the powers which the Government of India now consider would suffice for this purpose, I recommend that their proposals should be accepted. If the India and Burma Committee agree that a Bill should be introduced in Parliament on the general lines accepted by the Government of India with a view to its passage before the end of March, 1946, I will have a draft Bill prepared and will submit it to the Committee for their consideration.

P.-L.

[1] No. 328.

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Cabinet

India and Burma Committee. Paper I.B. (46) 4

L/P&J/10/19: ff 81–6

THE VICEROY'S PLAN OF ACTION

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *7 January 1946*

I circulate for the consideration of the Committee a memorandum which I have received from the Viceroy in which he gives in detail his proposals as to how the constitutional issue should be handled. My comments on these proposals will be circulated separately.

Part IV[1] of this memorandum, entitled "Breakdown Plan," was received under cover of a separate letter but for convenience has been circulated in this Paper. The Viceroy says in his letter that we must have a plan on which we can proceed if, as is quite likely, the Congress and Muslim League are unable to come to any agreement on the Pakistan issue. Part IV[1] of the memorandum contains his views on this and should be considered at an early date. It involves

[1] This should read: 'Part III'.

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an important decision of policy which we cannot postpone. The Viceroy considers that we cannot permit another deadlock in the event of the parties failing to come to terms and that we must be ready to make our own award. Lord Wavell says that he will do his utmost to avoid being forced to disclose the award, but unless it is there in reserve he would have to refer to His Majesty's Government for orders on the occurrence of the breakdown, and the situation in India would deteriorate considerably while a decision was being made.

The Viceroy adds that it is essential that knowledge of this Breakdown Plan should be restricted to the smallest possible number of people and that there should be no disclosure; otherwise his negotiations will be seriously prejudiced. I would therefore ask my colleagues to take particular care to confine knowledge of what is proposed to the smallest possible number of people.

The Viceroy also tells me that the draft agenda for the proposed Conference contained in Annexure II[2] to the memorandum has been drawn up by his officials. He thinks it generally suitable but is not committed to it in detail.

P.-L.

MEMORANDUM BY THE VICEROY

I.—APPRECIATION OF POLITICAL SITUATION

[*There follows the text of Enclosure 1 to No. 315.*]

II.—PROGRAMME FOR POLITICAL ACTION

[*There follows the text of Enclosure 2 to No. 315.*]

III.—BREAKDOWN PLAN

[*There follows the text of Enclosure to No. 316.*]

Annexure A to No. 337

COMPOSITION OF THE PRELIMINARY CONFERENCE

[*There follows the text of Enclosure 3 to No. 315.*]

Annexure B to No. 337

DRAFT AGENDA FOR THE CONFERENCE

[*There follows the text of Enclosure 4 to No. 315.*]

[2] This should read: 'Annexure B'.

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India and Burma Committee. Paper I.B. (46) 6

R/30/1/6: ff 76–8

Legislation to Remove the Statutory Bar to the Further Indianisation of the Viceroy's Executive Council

Memorandum by the Secretary of State for India

India Office, *7 January 1946*

The telegrams circulated to the Committee in the paper I. & B. (45) 25[1] indicated that the Viceroy has in mind an attempt to reconstitute his Council in March, when the election results will be known for the Punjab, perhaps the most critical of the Provincial results, though the elections will not be completed in all Provinces till late in April.

2. I will deal in another paper with the Viceroy's proposals themselves. But I wish in this paper to invite consideration by the Committee of the Parliamentary legislation which will be necessary at whatever time the reconstitution of the Council takes place. Assuming that the reconstituted Council is to function for the interim period on the present constitutional basis and further that it is our intention no longer to be bound by the provision, in Section 36 (3) of the Ninth Schedule of the Government of India Act, that three at least of the members "must be persons who have been for at least ten years in the service of the Crown in India", legislation in the British Parliament to authorise this departure must be passed. I suggest that we should consider now when and in what way this legislative change should be made.

3. As to the time for making it I suggest that the advantage lies in undertaking legislation in advance of the Viceroy's negotiations; this would serve as an earnest of H.M.G.'s intentions to push ahead with their policy for India, and it would save time on the conclusion of the negotiations, if they are successful, in bringing the new Council actually into being. Admittedly there would be something to be said for enabling Parliament to have before it when considering this legislation a clear indication of the kind of Council which the Viceroy proposed to recommend. But the time factor is important, and it can be pointed out that the proposed legislation does not prevent the Viceroy from continuing to recommend the appointment or to retain the services of officials as Members if he thinks fit.

[1] No. 321.

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4. The legislation would most conveniently take the form of amending Section 36 (3) by omitting the phrase quoted in paragraph 2 above. The text of this Section is given in the Appendix to this paper. An alternative possibility might be to make this change more patently permissive, by retaining the present sub-section (3) but adding a proviso to the effect "Provided that if at any time it appears to His Majesty that the circumstances so require, the provision that three at least of the members must be persons who have been for at least ten years in the service of the Crown in India may be dispensed with to such extent and for such period as His Majesty may deem fit". I do not recommend this alternative, however. It would not, I think, prove any easier to get through Parliament, for, as I said above the simpler amendment does not *necessitate* any change in the composition of the Council; while if it were held to be necessary that the action by His Majesty under the suggested proviso should be expressed by Order in Council the matter would have to come a second time before Parliament (under Section 309 of the Act) for approval of the Order.

5. In papers I.B. (46) 2[2] and I.B. (46) 3,[3] I have made recommendations to the Committee that legislation be put through before Easter for the prolongation for a temporary period of the legislative and executive powers exercised by the Centre in certain economic matters lying within the Provincial field. As a matter of Parliamentary convenience it might be found appropriate to tack on to this Bill a short clause for the amendment of Section 36 (3) of the Ninth Schedule. But progress on this Bill is bound to take some time, and I consider it more desirable to effect the amendment of Section 36 (3) by means of a separate single-clause Bill. Although it is unlikely that such a Bill could be carried through without some discussion it should, I think, be possible to see it through at an appreciably earlier date than the economic controls Bill and without undue interference with the Parliamentary programme.

6. It should be noticed that the contemplated amendment in the Government of India Act 1935 does not affect the second proviso in section 36 (3) of the Ninth Schedule regarding a legal member.

7. The Commander-in-Chief's Membership of the Executive is not regulated by Statute.

P.-L.

Enclosure to No. 338

The Governor-General's Executive Council

36. (1) The Members of the Governor-General's Executive Council shall be appointed by His Majesty by warrant under the Royal Sign Manual.

(2) The number of the members of the Council shall be such as His Majesty hinks fit to appoint.

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(3) Three at least of them must be persons who have been for at least ten years in the service of the Crown in India, and one must be a barrister of England or Ireland, or a member of the Faculty of Advocates of Scotland, or a pleader of a high Court of not less than ten years' standing.

(4) If any member of the Council (other than the Commander-in-Chief for the time being of His Majesty's forces in India) is at the time of his appointment in the military service of the Crown, he shall not, during his continuance in office as such member, hold any military command or be employed in actual military duties.

(5) Provision may be made by rules under this Act as to the qualifications to be required in respect of the members of the Governor-General's Executive Council, in any case where such provision is not made by the foregoing provisions of this section.

37. If the Commander-in-Chief for the time being of His Majesty's forces in India is a member of the Governor-General's Executive Council, he shall, subject to the provisions of this Act, have rank and precedence in the Council next after the Governor-General.

[2] No. 328. [3] No. 336.

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Entry in Mr Casey's Diary (Extract)

Photo. Eur. 48/4

7 January 1946

I saw *Dr Syed Mahmud*, ex-member of the Congress Working Committee, who disagreed with the August 1942 resolution. He was released from the Ahmedabad jail before the other members of the Working Committee, by reason of a letter that he addressed to the Viceroy stating his views.[1]

A quiet, decent person. Was at Christ's, Cambridge, 1908–10. Born in U.P. but has practised in Bihar and was the Muslim member in the Bihar Congress Government.

He believes that on the re-formation of the Viceroy's Executive Council, it should be called a "Cabinet".

He believes that it would be a good plan to have a Prime Minister—but realises that this would be constitutionally difficult to achieve in the interim period.

He told me that *Azad*, *Nehru* and he had been "for" acceptance of the *Cripps Offer*—that *Gandhi* and *Patel* "against" it.

[1] See Vol. V, No. 37, para. 3.

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He believes that if Cripps had waited a week more in India and had continued negotiations, he could have got his offer accepted.

He says that Nehru has always maintained that Cripps was an honest man and genuinely desirous of a settlement.

He (Mahmud) believes that all reasonable safeguards for the Muslims would be granted by the Congress, including stated percentages of appointments in all Government instrumentalities for Muslims.

He clearly has honest doubts as to whether the Punjab, N.-W.F.P. and Sind really want Pakistan. He admits that the present Congress Working Committee are against the 50/50 proposal at the Centre.

He believes that it would be very difficult for the Congress and the Muslim League to arrive at a voluntary agreement that would make for a workable interim Government—but that he believes that a reasonable arrangement (including adequate safeguards for the Muslims) would be accepted by a majority of both sides if it were firmly proposed by H.M.G.

He says that the Congress is tired of Jinnah's insults and rudeness—and that their irritation in this regard bothers them more than his continuous harping on Pakistan.

He regrets the lack of any informal or social contacts between the British and Indians—but says that it has been like this all his life. He says that it was probably worse 10 or 20 years ago than it is now. Then it would have been completely impossible for anyone like himself to have secured an interview with a Governor. He says that he would never have got beyond the gate of Government House.

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Mr Casey to Field Marshal Viscount Wavell

R/3/1/108: ff 147–8

GOVERNMENT HOUSE, CALCUTTA, *8 January 1946*

My dear Lord Wavell,

Many thanks for your letter No. 592/30[1] of the 4th January on the Indian constitutional problem. I am returning to the subject only to explain why I put down the possibility of a plebiscite as a matter that I believe must arise.

If, as your letter implies, your statement of the 19th September[2] commits you to a *conference* of provincial assembly representatives as a first step after the elections are completed, I should think you would be brought up at once, in that conference, against the difficulty caused by Jinnah's demand for two constituent assemblies, not one. The Muslim League representatives would be bound to raise it and would be unable, in Jinnah's absence, to agree to anything

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else. Unless by that time you had got Jinnah persuaded to see reason, you would at once be faced with a deadlock and forced to make your position and that of H.M.G. clear. It is at that stage that I should have thought you would have to offer "Pakistan by local option",—local option to be by plebiscite. Even if the suggestion came from some section of the conference, it is safe to expect that it would not be readily agreed to by the Muslim members and you would still have to define H.M.G.'s attitude in an attempt to resolve the deadlock.

I would believe that Pakistan by local option is the only possible via media for H.M.G. I would believe that you could not accept the full Jinnah demand for Pakistan on the basis of existing provincial boundaries at the option of the Muslims only. Nor will you probably be able to rule out Pakistan altogether when even the Congress has been unable to do so and the Mahasabha, who wanted to do so, has been handsomely defeated in the elections.

I can well see that a plebiscite would be a difficult process to carry out satisfactorily in India, and that its carrying out would provide a headache for those responsible for law and order: but I can see no real alternative as a test of local feeling in any given area and the idea, as you know, has been applied fairly successfully in various parts of Europe in the interval between the two wars. The real point, however, is that once you had made it clear that the only kind of Pakistan that you or H.M.G. could contemplate was one based on "local option expressed by a plebiscite", I am inclined to believe that the League, realising that that would not be likely to get the kind of Pakistan they affect to want, might be more ready to listen to reason and agree on a single federation with ample and statutory safeguards.

One last point. I had not realised that your promise to "undertake, immediately after the elections, discussions with representatives of the legislative assemblies in the provinces" committed you to calling these provincial representatives to a conference. I had envisaged private conversations only and I find myself wondering whether a conference of provincial leaders will serve any useful purpose when most of the All-India leaders—the people who can speak for the big parties—would presumably not be so included, and whether it will not rather be regarded by the latter as an attempt to by-pass the All-India leaders. Theoretically, of course, it is eminently fit and proper that in the matter of setting up a constituent assembly to frame a federal constitution, the provincial representatives should be consulted. We know, however, (particularly in the light of the recent elections) that in the present political set-up in India, the answers will all be given by the leaders of the main All-India parties in consultation with the party caucus in which the provinces are represented. If, therefore, you are not committed otherwise than by your statement of the 19th September, you might think it worth considering whether private conversations with provincial assembly representatives would not suffice to honour

[1] No. 330. [2] No. 116.

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this part of the pledge and give you time, if you require it, to prepare the way for another meeting like the Simla Conference. I would believe it would be only in discussion with the All-India leaders that you will get any solution accepted. You might get this with a smaller meeting than the Simla meeting or in conversations with a few outstanding leaders individually: I would doubt very much if you will get it from a conference of provincial assembly representatives.

I am,
Yours sincerely,
R. G. CASEY

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Lord Pethick-Lawrence to Mr Attlee

MSS. EUR. D. 714/72

SECRET INDIA OFFICE, *8 January 1946*

Secretary of State's Minute: Serial No. 3/46

Prime Minister

Indian Troops in Java

I have several times mentioned Lord Wavell's anxiety, due to the protests raised in India against the use of Indian troops in Java, to be assured, and able to state publicly that they will be withdrawn from Java at an early and certain date. Motions of protest against the employment of Indian troops in Java have been tabled in the Indian Assembly for debate towards the end of this month. As to this, a brief for the Viceroy is being prepared in consultation with the Foreign Office and Chiefs of Staff Secretariat.

2. I now send you herewith—

(i) An extract from a private letter from Lord Wavell dated the 25th December;[1] and
(ii) A copy of a telegram from him dated the 5th January.[2]

3. The telegram of the 5th January indicates that Lord Wavell intends himself to address the Legislature on January 28th, and that this would be the most effective occasion for him to announce if he were so authorised either the early withdrawal of Indian troops, or that their employment will, after a specific date, be confined to non-active roles. Such an assurance, announced on the 28th January, would preserve a suitable atmosphere for the subsequent constitutional discussions with political leaders who have made so much capital out of the matter. In the letter of 25th December Lord Wavell makes plain his

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apprehension that failure to give such an assurance would either make it almost impossible to induce Indian political leaders to serve on his Executive Council, or, if they accepted appointment, would at once create a most acute issue in the Council, entailing either a decision, then, under pressure, to withdraw Indian troops or the resignation of the newly formed Council.

4. I recognise the inherent difficulty in giving the Viceroy any such assurance. But equally I appreciate his embarrassment in the Assembly this month and still more when he starts negotiations with the Indian political leaders if he cannot make some announcement of the kind he desires. I presume we shall be having a meeting of the Defence Committee at an early date and I should be glad if this request of the Viceroy's could figure among its agenda.

PETHICK-LAWRENCE

[1] No. 314, para. 10. [2] No. 333.

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Lord Pethick-Lawrence to Mr Attlee

MSS. EUR. D. 714/72

INDIA OFFICE, *9 January 1946*

Secretary of State's Minute: Serial No. 4/46

Prime Minister

Indian Troops in Java

My minute of the 8th January, No. 3/46.[1]

I understand you directed that this matter should be taken in the Defence Committee on Friday. I notice, however, that the Agenda circulated this evening does not include it and I understand the Chiefs of Staff have referred it for detailed examination and are asking you to postpone it until Tuesday next week.

Since my previous minute the Viceroy has telegraphed[2] to say that a Motion criticising the employment of Indian troops in Java which is down in the Central Assembly is to be taken on the *21st* January and that if a statement of the kind he is asking is to be made it would be essential that it should be made a day or two before the 21st. Time must be allowed for the Government of India's spokesman to draft his speech in the light of whatever decision we take. If consideration is postponed until the 15th the time allowed would in my view be too short.

[1] No. 341. [2] In tel. 60-S of 7 January. L/P&S/12/1035.

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I would, therefore, urge most strongly that this matter should be taken on Friday and that we should then agree on the terms of a reply to the Viceroy.

I am sending a copy of this minute to Ismay.

PETHICK-LAWRENCE

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Notes by Sir J. P. Srivastava and Sir F. Mudie[1]

MSS. EUR. F. 164/10

NOTE FOR PARLIAMENTARY DELEGATION

9 January 1946

1. The present is the most opportune time for the settlement of the Indian question. People of every school of thought have complete faith in H.M.G., as at present constituted, and also in Lord Wavell. People will, therefore, take a great deal on trust which they may not do if the present opportunity is allowed to pass.

2. The settlement should be on lines which will make for lasting peace and progress in the country. A mere opportunist settlement, which may result in subsequent upheaval, will put the country back and should not be countenanced. It follows from this that if some aspects of the settlement do not meet with the approval of all parties at this moment but if it can be reasonably expected that that settlement will in the long run be in the best interest of the country, then it should not be discarded for the sake only of pleasing everybody.

3. H.M.G. should declare that India shall be given Dominion Status by a certain date, say 1st of January 1948. There is still a good deal of suspicion in the minds of people whether H.M.G. are really in earnest about their professions, and this is exploited for purposes of propaganda.

4. The principal elements in India's national life should be asked to set up a Constituent Assembly to prepare an agreed Constitution by the above date. Every assistance should be given to the Constituent Assembly to get through their work in good time.

5. Concurrently with (4) above, H.M.G. should set up a small Constitution Making Body composed of men of highest standing and unimpeachable impartiality to also frame a Constitution, which, in their opinion, would be fair to all parties and interests in the country, and to *inter alia* decide on the question of Pakistan and safeguards necessary for the minorities and also the problem of Indian States. This Constitution Making Body should function

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simultaneously with but independently of the Constituent Assembly referred to in (4) above and to have its report ready before the 1st of January 1948.

6. If the parties are able to present an agreed Constitution before the due date, this would be adopted, otherwise the scheme of the Official Body would be given effect to, irrespective of whether the latter finds acceptance with all parties or not.

7. H.M.G. should declare that in order to ensure the peaceful transition of the country to Dominion Status, they would maintain in India sufficient British Army for five years. This Army may be at the disposal of His Excellency the Viceroy. The justification for this step would lie in the fact that the vast millions of this country will blame the British if after the introduction of Self Government, the country falls a victim to the disruptive forces which are bound to be at work in the initial stages and which may result in chaos and anarchy.

8. In order to give stability to the Governments at the Centre and in the Provinces, the executives should be statutorily composed of all important elements and should not be removeable by an adverse vote of the Legislature. The analogy of the British system does not hold good in India and any Government which excludes important interests is sure to have trouble. The best method of selecting the executives would be a matter for careful consideration.

9. In any case, before any real advance can take place, an impartial Tribunal should carefully examine as to whether the integrity of India is to be maintained or whether the Muslim demand of Pakistan is to be conceded. This fundamental question must be put out of the way by a definite Award after a full examination of all the relevant facts.

[J. P. SRIVASTAVA]
FOOD MEMBER

COMMENTS ON SIR J. P. SRIVASTAVA'S NOTE

Undated

I agree with Sir J. P.'s fundamental proposition that H.M.G. should set up an expert Constitution-making body composed of persons of high standing, unconnected with the main political parties, to frame a Constitution which will come into effect if the political parties fail to come to agreement. We cannot any longer postpone a political settlement in India till the Congress and the League agree.

2. I do not much like the proposal that a date should be fixed now for the attainment of Dominion Status. Knowing as we do the difficulties of Constitution-making I consider that this would be dangerous. I agree, nevertheless,

[1] Sir F. Mudie's authorship of the second note has been surmised from its existence among his papers (MSS. EUR. F. 164).

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that the time factor is very important and that it must be introduced somehow. It might be introduced by giving the political parties a maximum time within which to agree. They would be given to understand that if no agreement were reached by that time they would have to accept what H.M.G. gave them. The implication would be that H.M.G. would have their Constitution ready on, or shortly after the expiry of the time allowed to the political parties for agreement.

3. It is possible that the political parties would agree on some of the principles that should govern the Constitution without their being able to frame a Constitution by the expiry of the time limit. If this happens, the agreement should be incorporated by the expert committee in their Constitution unless it impinged on matters to be decided by treaty between the two countries. Possibly, too, it might be necessary to reject an agreement reached by the political parties on the ground that it involved consequences which the parties have clearly not foreseen.

4. The expert committee should, I think, issue interim reports of provisional conclusions. Even though the political parties refused to play—as seems likely—this would enable Govt. to judge the reactions to the committee's proposals and might even provoke counter-proposals. It would also keep the pot boiling and divert interest from rebellion.

5. I agree that the first question to be tackled is "Pakistan", but I would not put the question in such a way as to invite an answer either for or against Pakistan. I would frame the question somewhat as follows: "What is the basis of Muslim fears of Hindu domination and how can these fears be removed: can this be done without the acceptance of Pakistan?"

6. I do not consider that placing the British Army at the Viceroy's disposal for five years after the start of the new Constitution would meet the case. I would put the case this way. The world security organisation involves some surrender of sovereignty as previously understood. It also contemplates regional arrangements. I would aim at setting up of a "regional arrangement" (in the UNO sense) based in India, responsible for the peace and security of, say, everything south of the Himalayas between Aden and Singapore (including Afghanistan and Nepal) having at its disposal a joint force including the British and Indian (and probably other) armies: (For "Indian Army" we might have to substitute "Hindustan and Pakistan armies"). This proposal would get over the difficulty of who is to control the Indian Army after India attains Dominion Status: it would also provide for the security of India (a point which seems about to be ignored); it would also, in the event of Pakistan being the solution, be a guarantee against civil war. In any case the possibility of a "region" (in the UNO sense) being based on India should be carefully examined: hitherto the question seems to have been avoided.

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7. I agree entirely with paragraph 8 of Sir J. P.'s note: something resembling the Swiss Constitution in the formation of the Executive has long seemed to me to be essential.

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Sir H. Twynam (Central Provinces and Berar) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/194: ff 7–8

SECRET GOVERNOR'S CAMP, CENTRAL PROVINCES AND BERAR,
No. R. 1-G.C.P. *10 January 1946*

Dear Lord Wavell,

Many thanks for your letter, dated the 19th December 1945[1] containing an account of your interview with Gandhi and the latter's subsequent interview with the G.O.C.-in-Chief, Bengal. I fear that everything points to the conclusion set forth in my letter, dated the 11th December 1945,[2] that Gandhi is, as ever, an astute opportunist and that his Pharisaical expressions of faith in non-violence will not prevent him from launching another "tremendous upheaval" which is certain to be attended by violence on an unprecedented scale, should he consider the time opportune. This is confirmed by the latest report regarding his activities in Bengal where he is said to have remarked that, if his views on non-violence were opposed to Sarat Bose's views, he would unhesitatingly tell the people of Bengal to follow Sarat Bose's views and discard his. In short, the information which comes my way is still extremely disquieting. There seems to be good authority for a Congress High Command programme which aims at the consolidation of its position by the acceptance of office after the elections and the launching of another mass movement probably about October of this year, after a meeting of the A.I.C.C. The Congress High Command are said to be of the opinion that a Constituent Assembly can only end in a deadlock unless Congress is able to get its own way by threatening the British Government with mass action. R. S. Shukla, the last Congress Chief Minister in this Province, openly stated at a meeting in Nagpur on the 2nd January 1946 that the next struggle would be fought both from within and without the Government machine. The destruction of the power to resist effectively by the Police and other Government Services seems, in fact, to be the immediate Congress objective. For the time being, as Dr. Khare remarked to me, the temperature may have been reduced from boiling point to about 80° but it would be highly dangerous to assume that the menacing situation which confronts us has been anything more than deferred.

[1] I.O.L. Microfilm reel 2447. [2] L/P&J/5/194: ff 19–22.

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It will be fatal to give up all controls until we are sure that Congress intends to behave constitutionally and that will create an almost impossible situation when Congress Ministers resume office with a revived intention of using the present Constitution for the purpose of wrecking it: otherwise I fear that we shall find our hands tied when Congress launches its next rebellion. So long as we can rely on the Police and the troops, all will be well but, with Congress Ministers in control of the former, I foresee a situation fraught with the gravest danger to constituted authority and the European community in India, especially those Europeans and Americans who are scattered about the mofussil. I sincerely hope that the effect of the I.N.A. trials on loyal troops will have diminished considerably before Congress is ripe for action.

In brief, the intention of Congress appears to be to emasculate the administration before embarking on another struggle and I trust that, if another struggle is inevitable, it will take place at a time chosen by Government and not by the Congress High Command.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/8/525: f 220

IMMEDIATE GANESHKIND, *10 January 1946, 5 pm*
Received: 10 January, 1.10 pm

10-S.C. Superintendent Series. Your 528 of January 7th.[1] Intention is that War Portfolio should be given to an Indian member. Auchinleck and I agree that this is feasible and Auchinleck has prepared a note which I will send by fast air mail within next few days. This shows what the arrangement should be for control of British units and personnel in India. I hope this point can be held over while rest of my programme is being considered.

[1] No. 335.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/PO/10/18: ff 232-3

PRIVATE *10 January 1946*

11-S.C. Superintendent Series. Your telegram 484 of 7th January.[1] Use of Indian troops in Burma.

2. I think we are at cross purposes in this matter and am anxious that you should fully appreciate our point of view.

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3. By April, if all goes well, I shall have an Executive Council including representatives of Congress and Moslem League. Any use of Indian troops overseas that would be repugnant to Indian opinion would be likely to lead to a show down with Executive Council. I do not see how His Majesty's Government could, consistently with its Indian policy, refuse to treat the Executive Council in the same way as a Dominion Government for this purpose. Unless they could give assurances that Indian troops would not be used for internal security in other countries without the Government of India's prior approval, we should have to face the possible resignation of the whole of the Executive Council. If that happened, our whole programme would be ruined and, I think, a mass movement would become inevitable.

4. In the Indian eye, the fact that the Government of Burma as now constituted is under control of His Majesty's Government makes no difference whatever to principle involved.

5. I think His Majesty's Government should face the consequences of their present Indian policy and recognise that Indian troops will not in future be available for use without the consideration of Indian opinion.

[1] Not traced in India Office Records.

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Cabinet

India and Burma Committee. Paper I.B. (46) 7

L/P&J/10/19: ff 78–80

COMMENTS ON THE VICEROY'S PLAN

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *10 January 1946*

I have circulated separately (I.B. (46) 4)[1] the Viceroy's proposed Plan of Action. In this paper I give my comments as a basis for discussion in the Committee on what, as I see it, are the main issues involved. I may have further points to put to the Committee on details at a later stage. This applies particularly to Annexure B of the Viceroy's paper,[2] which will require detailed examination.

The two main issues, I consider, are—

I.—The Viceroy's proposals for re-forming the Executive Council.

II.—The Breakdown Plan (Part III of the Viceroy's memorandum).[3]

[1] No. 337. [2] i.e. Enclosure 4 to No. 315 circulated as Annexure B to No. 337.

[3] i.e. Enclosure to No. 316 circulated as Part III of No. 337.

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I.—*Proposals for Re-forming the Executive Council.*

(i) The Statement made on the 19th September, 1945,[4] on the authority of the present Government contemplated the following programme:—

(*a*) Provincial elections, which it was hoped would be followed by the resumption of ministerial government in the Provinces.

(*b*) Preliminary discussions with "representatives of the Legislative Assemblies of the Provinces to ascertain whether the proposals contained in the 1942 Declaration are acceptable or whether some alternative or modified scheme is preferable."

(*c*) The convening of a Constitution-making body on the basis emerging from the discussions under (*b*).

It was added that the Viceroy had been authorised "as soon as the results of the Provincial elections are published to take steps to bring into being an Executive Council which will have the support of the main Indian parties."

(ii) I had certainly contemplated, and I think that my colleagues had also, that the re-forming of the Viceroy's Council would not precede but be concurrent with or immediately follow the preliminary discussions referred to under (*b*) above. In fact it has been present in my mind that one set of discussions with prominent party leaders might very likely cover all the various points in the programme. The Viceroy now proposes to begin discussions with the Presidents of the Congress and Muslim League on the subject of his Executive Council at the end of February, i.e. immediately after the Punjab election result is declared, and prior to decisions on any of the other matters (except in so far as any Ministerial Governments may have already been formed in some of the provinces). The election results in Madras, Bombay, Bengal and the United Provinces will not be known until the last week of March, while in the Central Provinces and Berar they will not be published until the 18th April. It will be seen that the Viceroy's proposals constitute a double change in timing. First he proposes to make a much earlier start with certain negotiations. Secondly, he proposes to fix up his Executive Council in advance of discussing the formation of the Constitution-making body.

(iii) The Viceroy argues that unless an early move is made towards re-forming his Executive the difficulty of forming Provincial Ministries may be increased. He probably also has in mind the risk to which he referred in his memorandum of the 6th November contained in C.P. (45) 281,[5] that Congress would, before the election results are declared, precipitate a dangerous situation by issuing an ultimatum to His Majesty's Government demanding the grant of immediate independence to India under a Government selected solely by the Congress High Command, and would seek to enforce this by threat of force. It seems to me, however, that this risk would be greatly increased if an

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attempt were made to re-form the Executive and were to break down, because it would give Congress the grounds they need for such a step.

(iv) If the Viceroy proceeds as he proposes there is surely a considerable probability that the leaders of the Congress and Muslim League will, before submitting names for the new Council, ask for assurances both in regard to the long-term settlement and the immediate issues as a condition of entering the Executive. Jinnah may ask for assurances about the Muslim League proportion in the Executive, and possibly a two-thirds majority for decisions affecting Muslim interests. The Congress may take exception to their allotment of Membership of the Executive, they may ask about the Viceroy's veto, or may take the occasion to insist on some of the issues mentioned in paragraph 8 of Part I[6] of the Viceroy's memorandum. On the long-term issue, Jinnah may ask for assurance that there will be Pakistan. Congress may ask for an assurance that they will be given representation on the Constitution-making body proportionate to their success in the elections, and that the decisions of the Constitution-making body will be accepted and enforced by His Majesty's Government without further discussion.

(v) The Viceroy proposes, in making his move to re-form his Executive, to resist all the long-term demands from either side and to deal with a refusal to co-operate in the Executive Council by appointing substitute members. As regards the immediate demands, the Viceroy proposes, in paragraph 6 of Part III[7] of his memorandum, to assure Jinnah that the Muslim League will be given equality with the Hindus other than the Scheduled Castes in the re-formed Executive, and also to promise to the League two out of what he regards as the four key portfolios. One of the four is apparently that at present held by the Commander-in-Chief. He does not apparently contemplate seeking the agreement of Congress to this proposition. At Simla the Congress agreed to equality between the Muslims and the Hindus other than the Scheduled Castes, but they proposed two Congress Muslims and three Muslim League Members for the five Muslim seats. The Viceroy sought a compromise on the basis of 4 Muslim League and 1 non-League non-Congress Muslim from the Punjab, which was rejected by Jinnah, and on this the Conference broke down. The position of the Congress was never finally declared on this point. They may with some reason claim that in view of the electoral position they are entitled to a larger number on the Executive than the Muslim League. They may be more likely to insist on it at this stage as to give it away would be prejudicial to their claims in the discussions about the long-term settlement, with no compensating advantages. In short it seems to me most probable that either the Congress or the Muslim League or both will decline to nominate panels of Members for the Council except on conditions that we cannot meet

[4] No. 116. [5] No. 210. [6] i.e. Enclosure 1 to No. 315.
[7] This should read 'Part II'; i.e. Enclosure 2 to No. 315.

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(Jinnah it will be remembered refused to submit any names at the Simla Conference), or will raise for elucidation points which we are not in a position to answer. All this will become public before the elections are over, will inflame public opinion, and will give the Congress grounds to resort to extremes if they wish to do so. If we found ourselves with a Council containing only one of the main parties the other would regard themselves as driven into the wilderness and this would be a sorry overture to the main constitutional discussions.

(vi) These are formidable objections against the proposal of the Viceroy to start negotiations for re-forming his Executive Council as early as the end of February and it seems to me that, in spite of the importance of taking and holding the initiative, the attempt to re-form the Council should wait at any rate until all the election results except the Central Provinces and Berar and possibly Orissa are available.

(vii) On the question of postponing discussions on the Constitution-making body until after re-forming the Executive Council I see three objections. First, I doubt whether it will in fact prove possible to keep the discussions in watertight compartments. Secondly, I feel that the setting up of the Constitution-making body is the really essential matter and may prove to be the less controversial; I should be sorry to jeopardise this by disagreement about re-forming the Executive. Thirdly, if a political executive were in fact formed and the other discussions failed, we should be confronted with an irremovable body with very wide and irresponsible powers.

II.—*The Breakdown Plan.*

(i) The Viceroy is clearly right in saying that our plans must cater for the probability of a deadlock arising on the Pakistan issue or on the matter of the Viceroy's veto.

(ii) I deal first with the Pakistan issue. In the Cripps Offer this was dealt with by the Provincial Option provision. If the Cripps Offer had gone forward Pakistan could only have come about by agreement among Indians. This is so because the Cripps' Offer was only to be implemented if there were a sufficient measure of all-India agreement on the proposals, and, at a later stage after the Constitution-making body had framed its constitution, the Provinces would themselves have taken the decision whether or not they would remain outside the proposed Indian Union. The Viceroy now proposes that if Jinnah insists on a prior assurance that there will be Pakistan before agreeing to attend either the preliminary discussions or the Constitution-making body and if "all lobbying and persuasion fail," we should indicate to Jinnah and, if necessary, announce a decision that the Muslims can have Pakistan, shorn of the large Hindu majority areas adjacent to the main Union including Calcutta. He considers that this may be so highly unsatisfactory to Jinnah as to cause him to modify his attitude. I am doubtful whether he does not over-assess this

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possible effect. I append as Annexure I a paragraph from a letter I received recently from the Viceroy and a Press report of a statement made by Jinnah saying that he contemplates that there must be frontier adjustments between Pakistan and the main India. The Viceroy however does not comment on the possibility that, besides disappointing the Muslims, what he proposes we should do may be strongly resisted by the Congress as well as by the Sikhs, who would stand to be divided and become weakened Minorities in both Pakistan and in the main Indian Union. The fundamental issue to my mind, therefore, is whether we are satisfied that we should declare our attitude on the Pakistan issue at all unless when the time comes our judgment is that our decision will be at least acquiesced in and not resisted by the Congress and Muslim League. I think that the Viceroy is justified in asking that we should have available a plan worked out in detail for a partition, but I am very doubtful whether we should give him authority to enunciate this decision until we can assess the feeling towards this issue and judge that the time has come. The Viceroy seems to envisage that he might give a decision of this kind if a deadlock were to arise in regard to the preliminary discussions. The effect of this would appear to go nearly to the creation of a Constitution-making body which could only meet to discuss a basis for a divided India and would be precluded by our own action from seeking any other solution of the Hindu-Moslem question. Further, a decision to admit Pakistan might have an adverse effect on the prospect of the Indian States coming into an all-India Constitution. We may have to face these disadvantages and take an early decision on Pakistan if we are asked for a promise, such as was contained in the Cripps' Offer, to implement any constitution that the Constitution-making body puts forward.

(iii) If Jinnah refuses to take part in the preliminary discussions or is obstructive there, we are not precluded from setting up a Constitution-making body after discussions with those who are willing to confer on the subject. If the Muslim League then decline to come to the Constitution-making body we could still give that body an opportunity to show how far it was prepared to go to meet the Muslim League's views.

(iv) I now come to the question of the Viceroy's "veto," which is rather lightly dismissed by Lord Wavell. If his solution is (as would appear from paragraph 7 of Part II of the Viceroy's memorandum) to meet Congress intransigence over this point, on which they have set particular store, in the same way as he would deal with Muslim League intransigence, i.e., by by-passing Congress and appointing non-Congress Hindus, I fear this might prove impracticable through the absence of a sufficient number of non-Congress Hindus suitable for appointment and prepared to take office in the face of Congress disapproval, and would in any case be a wholly unreal solution. The danger of this intractable question arising is another argument for postponing the question of the re-forming of Executive Council.

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Actually it is difficult to conceive that the Viceroy could use his veto against a unanimous or decisively held opinion of his Council. What in my view the Congress will attack is the wide range of the Governor-General's subordination and that of the whole Council to the control of the Secretary of State, which under the terms of Section 314 applies to *all* matters. In particular they are likely to demand an amendment which will secure to the whole Council a voice in the control which is vested by Section 314 in the Governor-General personally in his discretion (i.e., subject to Secretary of State's control) over the functions of Provincial Governors in the exercise of their special powers. It seems impossible to modify the Secretary of State's control without a fundamental and complicated piece of legislation which could not be brought before and passed through Parliament without a delay of some months. Nor would the abolition of Whitehall control serve in itself to conciliate Moslem opinion. It might even exacerbate it inasmuch as it would increase the intrusion of Central control over the affairs of the Provinces, and it would, of course, leave the Council a nominated body without constitutional responsibility to any legislative body whatsoever. We may have to consider, however, whether some assurances can be given.

My officials are, however, at present working on the possibility of a substantial modification of the provisions of the 1935 Act, which would enable the special powers of the Governor-General, and still more those of the Governors, to be appreciably reduced, and a much wider field of unfettered responsibility to be handed over to Indians. The object of the examination is to outline the framework of a Provisional Constitution of a federal nature for India, including the States, which His Majesty's Government might propose to be applied for a limited term of, say, five years if there should appear to be insufficient prospects of a successful outcome to the preliminary discussions for, or the actual deliberations of, a Constitution-making body. It must be admitted that this, too, entails a formidable piece of legislation; and until I have seen their proposals I cannot say whether I shall be prepared to commend them to my colleagues.

P.-L.

Annexure to No. 347

A. EXTRACT FROM SECRET LETTER FROM LORD WAVELL TO LORD PETHICK-LAWRENCE, DATED 18TH DECEMBER, 1945

[*There follows the text of No. 296, para. 4.*]

B. EXTRACT FROM THE *STATESMAN* DATED 12TH DECEMBER, 1945

[*There follows the text of Annex to No. 296.*]

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Cabinet

Defence Committee, D.O. (46) 1st Meeting, Minutes 1 (Extract), 4

Those present at this Meeting held at 10 Downing Street, S.W.1, on 11 January 1946 at 11.30 am were: Mr Attlee (in the Chair), Mr Ernest Bevin, Mr Hugh Dalton, Mr A. V. Alexander, Viscount Addison, Lord Pethick-Lawrence, Mr G. H. Hall, Mr J. J. Lawson, Viscount Stansgate, Admiral of the Fleet Lord Cunningham, Field Marshal Lord Alanbrooke, Marshal of the Royal Air Force Sir Arthur Tedder, General Sir Hastings L. Ismay, Mr D. Jay (item 1 only)

Minute 1 (Extract)

L/WS/1/1002: f 24

Size of the Armed Forces at 30th June, 1946
(C.O.S. (46) 5 (0))

THE COMMITTEE had before them a Report by the Chiefs of Staff containing a review of their previous Report,[1] on the size of the armed forces at 30th June, 1946.

* * * *

India and South-East Asia Command.

LORD PETHICK-LAWRENCE said that he was very concerned about the future in India. Things were comparatively quiet just now, but this was merely because the parties who hoped to create trouble were saving up their energies. It would be most unsafe to assume there would not be considerable disorder in the spring or summer, and it was essential that we should have enough British troops in the country to nip the disorder in the bud. Otherwise, the results might be catastrophic. The Annex to the Chiefs of Staff Report showed an apparent reduction of British troops in India, but he understood there was no real reduction, only some rearrangement.

THE PRIME MINISTER suggested that if the situation in Java could be cleared up troops might be moved back to India.

LORD PETHICK-LAWRENCE pointed out that there were not many British troops in Java that could be moved.

LORD ALANBROOKE said that the Viceroy and the Commander-in-Chief had been asked to say what additional British troops they wanted, and to give an opinion as to whether it was advisable for these troops to be moved in now.

[Note in original:] C.O.S. (45) 565 (0). [Not on L/WS/1/1002.]

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A private telegram[2] had been received, which indicated that the Commander-in-Chief would like three British Brigade Groups, which could be moved in under a cover plan. The provision of these brigade groups was under examination, and when the Commander-in-Chief's official request was received, the Chiefs of Staff would see what could be done to meet his requirements.

Minute 4

L/P&S/12/1035: f 111

Use of Indian troops in Java

D.O. (46) 2

THE DEFENCE COMMITTEE considered a minute[3] from the Secretary of State for India to the Prime Minister reporting a request by the Viceroy for authority to make an announcement to the Indian Assembly that Indian troops in Indonesia would not be employed in active roles after an early date (to be named).

THE PRIME MINISTER said that he did not see how the Viceroy could be authorised to make a definite statement of this nature at present, just when fresh efforts were being made to promote a settlement between the Dutch and the Indonesians.

LORD ALANBROOKE said that even if other considerations had made it possible to authorise such a statement, it would not be practicable, by the date indicated, to move Indian forces back from Java without dislocating the whole shipping programme.

THE SECRETARY OF STATE FOR INDIA said that he fully realised the objections to the Viceroy's proposal. A further telegram[4] had, however, just come in from India explaining that the Viceroy would like if possible to say something on the lines he suggested a day or two before 21st January, so as to improve the atmosphere before the opening debate in the Indian Assembly. Would it be possible to authorise the Viceroy to make some less categorical announcement?

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS suggested that a decision on this problem should be deferred a week—there was time for that. Dr. van Mook was now on his way back to Java to resume negotiations with the Indonesian leaders. Sir Archibald Clark Kerr had been summoned from Moscow and was being sent out to Java to help in these negotiations. It would be particularly unfortunate if, at this delicate juncture, the Viceroy were to make an announcement on the lines proposed. We should know more about the prospects of these negotiations in a week's time.

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There was general agreement that any statement put out must be related to the progress of negotiations in Java; and that the decision on what reply to send the Viceroy could well wait a week.

THE DEFENCE COMMITTEE:—

(a) Agreed to give further consideration to the Viceroy's proposal at a meeting to be held on Friday, 18th January;

(b) Invited the Secretary of State for India to despatch a suitable interim reply to the Viceroy.

[2] Unnumbered of 9 January 1946 from General Auchinleck to General Mayne via Cabinet Office. L/WS/1/1008: f 142.

[3] No. 341. [4] See No. 342, note 2.

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Sir S. Cripps to Lord Pethick-Lawrence

L/PO/6/102c: ff 151–2

BOARD OF TRADE, MILLBANK, S.W.1,
11 January 1946

Dear Pethick,
The enclosed may interest you—don't trouble to return it.

Yours,
STAFFORD

Enclosure to No. 349

Major Short to Sir S. Cripps

MINISTRY OF INFORMATION, CORPUS CHRISTI COLLEGE,
CAMBRIDGE, *9 January 1946*

Dear Sir Stafford,
This may be of use to you.

Milner's kindergarten had an earlier & very pertinent precedent.

Durham worked his Canadian miracle with a team of 3—Charles Buller, Gibbon Wakefield, & Turton.

All 3 were, by ordinary standards, an odd choice—i.e. somewhat 'uncivil' servants, shall we say!

But the interesting point is that Durham went over to Canada for 5 months himself, plus these 3, to do the job—& did it.

So might *you*, on this precedent, I suggest.

I can claim no credit for spotting that Durham was ahead of Milner as touching the kindergarten idea. Moon spotted it. I only at once got on to the

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expert at Trinity here—Butler—to check up, confirm, & amplify. Whence this note.[1]

Yours sincerely,
J. MCL. SHORT

P.S. Books of reference: 'Lord Durham' by Chester New,[2] & Sir Charles Lucas' 'Report'.[3]

[1] Lord Pethick-Lawrence minuted: 'Turnbull. I h[ave] never been very clear what the terms o[f] reference for t[he] kindergarten would be. Are you?'

[2] Oxford, Clarendon Press, 1929.

[3] *Lord Durham's Report on the Affairs of British North America. Edited with an Introduction by Sir C. P. Lucas* (3 vols., Oxford, Clarendon Press, 1912).

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Sir W. Croft to Sir D. Monteath

MSS. EUR. D. 714/72

11 January 1946

Sir D. Monteath

The thesis of these notes,[1] written by Penderel Moon, and one "F.M.", is that virtually all Moslems are now united in the demand for Pakistan; that it is practically certain that Jinnah will not even discuss a new constitution, unless the Pakistan demand is conceded in advance; and that the wisest course for the British Govt. is to take the initiative now in trying to persuade Congress to accept Pakistan. Both seem to think there is a chance of Congress yielding, if they see that Pakistan has our blessing, and might, in the last resort, be enforced by us.

Moon, of course, writes from a Punjabi point of view.

W.C.

Note by 'F. M.'[2]

L/P&J/10/59: ff 61–3

SECRET

The following notes are an interpretation which some observers would give of political events in India during the past two years.

During the period of Congress incarceration between 1942 and 1945, the Muslim League have increased greatly in numbers, organised efficiency and consciousness of their aim. The large majority of educated Muslims now follow the League, and of those who still stand out, the largest single block, the Unionists of the Punjab, support the demand for Pakistan.[3] Congress, having lost several men of note to the League, are now left with no Muslims of

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national importance except Maulana Kalam Azad. The Congress claim to represent more than the Hindus of India now rests on very slight foundations, and is little more than a debating point. The League following, which used to be strongest in the towns and among the intelligentsia is now rapidly gaining also among the agricultural masses.[4]

Visitors to India now cannot fail to take the Muslim League and the Pakistan demand seriously. Nevertheless it is not certain that the election results will tally with this conclusion, or that they are a reliable test. The elections, on the whole, are a year or two too early for the League, who have not quite completed the process of gaining the masses. Enough of these to spoil the League victory may yet vote in accordance with their old traditional loyalties—Khan Sahib (Congress) in the Frontier, Khizr Hyat (as Sikander's successor) and Tikka Ram (as Chhotu Ram the great Jat's successor) in the Punjab; Fazl-ul-Huq in Bengal. There is evidence that the weight of Hindu influence and money is going behind these opponents, the more so as many Hindus, especially Congressmen, are being elected unopposed in Hindu constituencies, and have time to spare.

If the elections in the Muslim constituencies show an overwhelming majority for the League, a Congress–League agreement will be far easier to accomplish than if the result is indecisive. If the League win, Congress may be stunned into accepting Pakistan (minus the South Punjab and West Bengal) and descend into argument over boundaries. If the League do not sweep the polls, agreement will be far more difficult. If however Britain is thinking in terms of an early settlement with India, she cannot judge the issue solely by the outcome of the present elections.

Meanwhile, another result of the League period of office, with Ministries at one time or another in Sind, the Frontier, Bengal and Assam, has been that Jinnah, observing the behaviour of his elder henchmen in the provincial governments, is said to have concluded that they are not to be trusted. He judges that they cannot be relied on to disregard the lure of office and high salaries,

[1] A note on L/P&J/10/59 states that the notes were sent to the India Office by Sir S. Cripps.

[2] Mrs Guy Wint (formerly Mrs Freda Martin) has informed the Editors that she remembers that she wrote this note at the suggestion of Sir S. Cripps after visiting him on her return from India.

[3] [Note in original:] Unionist Muslims of the Punjab say that although they approve the Pakistan demand, they will not tolerate Muslim League interference in local politics. They therefore oppose the League in provincial elections but not in elections to the Central Legislature. The unionist Premier, Khizr Hyat Khan, has recently made a pronouncement in favour of the Lahore resolution demanding Pakistan.

[4] [Note in original:] It is interesting to note that in 1944 the Communist Party, whose party line until then had been to work for national unity as an essential preliminary to freedom, decided to enter Congress and the League and work from within those parties. Their aim inside Congress was to encourage a liberal attitude towards Muslim claims. Within the League they work among the masses with Pakistan as their slogan. Indian Communists, though not a strong party themselves, are skilful opportunists, and generally show an acute political sense. They speak now of a divided India as inevitable.

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when the only price they need pay to retain them is compromise. The result has been a tightening up of party discipline (the increased 'totalitarianism' on which many people have commented, and at which the party leaders themselves complain). Jinnah has, it seems, come more and more to rely on the younger men in the party, and it is among these that his most fanatically obedient and energetic adherents are to be found. It is these too who stand most solidly for his doctrine of Pakistan, and who must be borne in mind if one supposes that the Pakistan demand would fade with Jinnah's death.

A most important consequence of Jinnah's lack of faith in his senior lieutenants is his intransigeance on the question of coalitions, particularly at the Centre.

It was commented among Indians that Jinnah had committed a tactical error in attending the Simla Conference in July 1945, and that the Congress followed it with a greater one in not accepting the League conditions there. For it was thought that this was the last conference of the kind that Jinnah would attend. It was said that Jinnah was driven by public opinion and the Viceroy's skilful timing to accept the invitation to Simla. Having got there, it was essential for his objective—Pakistan—that the Conference should fail, for the Viceroy's intention, a Congress–League coalition in a unified central government, would have greatly reduced the League's final chances of success.

The fear is sometimes expressed by moderate Muslims that if the elections are inconclusive, and negotiations for a constitutional settlement unsatisfactory, the Government of India, rightly desiring a greater measure of popular support for their administration, may again make the Simla offer next year, and that then parties who refuse to collaborate will be excluded from the interim government. It is certain that Jinnah will refuse to come in until he has won his point. To leave the League out in a national government would lead to very dangerous consequences among the Mussulmans of India.

.....

Congress's relations with the League have noticeably deteriorated in the last two years. Congress, to do them justice, have made attempts, or allowed their more enlightened members to attempt to reconcile the differences between the two parties. Many Indians thought that the Rajagopalachari formula,[5] which formed the basis of the Gandhi–Jinnah talks in Bombay in 1944, could, if reasonably interpreted, have given the Muslim League what they wanted. The responsibility for failure at Bombay, and the later failure of the Bhulabhai–Liaquat pact and the Simla conference was laid at Jinnah's door.

Congress, who have no interest in prolonging the deadlock, and who besides would like to earn the kudos for solving India's communal difficulties, are exacerbated by these constant defeats. Since the opening of the election campaign the Congress press has published open and violent attacks on the Muslim

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League, and Congress leaders, Nehru in particular, have proclaimed that henceforth it would be impossible for Congress to tread with the League on any ground at all.

This is not a good augury for the success of the Constituent Assembly at which the League and Congress will be expected to resolve their dispute round a table in 1946. However, Congress still profess liberal policies regarding the Muslims' right to self-determination. That is to say, the possibility of Congress accepting Pakistan in some form is not by any means out of the question. It is unlikely however that the League will relax the utmost extravagance of their claim while they feel that they have the Congress alone to deal with, and while the British continue to preserve a non-committal attitude. The chances of the two parties reaching agreement unaided now look very remote.

.....

Meanwhile the political temperature in India is rising steadily. The atmosphere has already changed unrecognisably from that of the period of political stagnation and despair which followed the 1942 arrests and lasted until the end of the war. By the spring of 1946 it will have reached an ugly degree of heat.

Indians generally are sceptical now about H.M.G.'s intention to do anything to solve the deadlock. The Viceroy's broadcast statement[6] that after the elections India will be expected to return to the Cripps Plan, or to find a better plan of her own, was interpreted as another British device for procrastination. Nobody now supposes that an Indian Constituent Assembly left to its own resources (even presuming that all parties agreed to attend) will ever succeed in finding a way out of the wood. The attitude of Congress is "Britain is not sincere in professing that she intends to leave India. We shall therefore be forced to hasten her departure." The League are clearly uneasy.

Congress now want power. Any doubts there may be on that score, arising out of their attitude to the 1942 Cripps mission, may now be dispelled. They want power, they are qualified (in many ways more qualified than the Kuomintang in China) and entitled to take it. It will not suit them to wait too long. For with every few months' delay after the elections, Congress will lose their advantage. On the one hand they feel the League ever consolidating its position, and who knows what limits a militant Islam in India may finally set to Pakistan? On the other hand, the temporary line-up of the other Hindu parties behind Congress (the Mahasabha, the Independents, the Congress Socialists, the Forward Bloc) cannot be expected to last long after the emergency of the election is over; and splits within its own unwieldy ranks are bound to occur. Congress now stands at the summit of its strength: the Mahatma is still living (though his life ebbs); the halo of persecution surrounds the recently released leaders; the British, though apparently encouraging delay, are not in an

[5] See Vol. IV, Summary of Documents, chapter 3. [6] No. 116.

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unassailable position, and might be neither willing nor able to put down a determined coup d'état. Congress have decided that the elections must be fought, and the situation will be kept in control until the results are known. Immediately afterwards will be the time for revolution.

.....

There is little doubt that a revolution could be stemmed, and law and order restored and maintained by force. But a policy of suppression grows progressively less easy and less defensible in India.

Then what is the alternative? It is thought by many of those, Indian and British, who would like to spare bloodshed in India and to see the two countries bound in a firm alliance hereafter, that it is neither too late nor too difficult for Britain to act in such a way as to make a solution possible. We have to recognise however:

1. That we shall have to work with the utmost speed if we are to forestall a serious uprising next year.
2. That an interim government, without the co-operation of all parties (which we are not likely to get), would be unsatisfactory and dangerous.
3. That a final settlement will be impossible without Pakistan.

The task before Britain, between now and the end of the elections, is to decide her policy concerning Pakistan, then to negotiate that policy with the Indian parties.

The present Cripps proposals, according to the League, do not meet the case for Pakistan. If H.M.G. decided that Pakistan in some form was inevitable they could then take the responsibility for altering the provincial boundaries of the Punjab and Bengal to exclude the Hindu districts of the South Punjab and West Bengal. Pakistan could then be settled by vote, and Congress would be left with little excuse for disagreement. Nor is it likely that Congress's objections to Pakistan would be immovable (given tact and firmness on the British part). There is much evidence to show that they do not wish to have a Muslim problem on their hands for ever. The Muslims on their part (being both restrained and supported by the British) would not wish to break away completely from India. The Sikh problem would have to be tackled somewhat differently, but once the major Muslim–Hindu crux had been resolved, the Sikhs would be isolated and more open to a reasonable bargain.

It should not prove insuperably difficult for a Constituent Assembly to accept proposals put before it after preliminary negotiations with the parties concerned had been concluded behind the scenes. Indians would find themselves in a difficult position for conducting such negotiations themselves. Britain has the advantage of being a third party. The proceedings would obviously have to be conducted without publicity: the Viceroy, for instance, could not himself

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play the role of negotiator. But it should not be impossible to find men equal to the task.

To present an opportunity for Indians to meet in agreement is obviously the most dignified and commendable procedure open to the British Government. And if the Indian parties are aware that Britain is prepared to support a certain definite course, the chances of agreement are increased a hundredfold. The Cripps plan for a Constituent Assembly therefore affords the best prospects of ultimate success, but the conditions of success will be a firm and responsible lead from Britain, careful adjustment and skilful preparing of the ground.

F.M.

1945.

Memorandum by Mr E. P. Moon[7]

L/P&J/10/59: ff 64–6

SECRET

1. It is now abundantly clear that the Pakistan issue has got to be faced fairly and squarely. There is no longer the slightest chance of dodging it. Some time back there was hope that in the two biggest Muslim Provinces, Bengal and the Punjab, the bulk of the Muslims would not support Jinnah in his more extreme demands. Obviously, if in these two Provinces the Muslims were not insistent on dividing India, the proposal to do so could be safely negatived. But Jinnah appears to have won them over. In Bengal there has already been a decisive swing towards the League. In the Punjab the solid block of Muslim Unionists, which used to be distinctly anti-Jinnah, has been seriously split. Defections to Jinnah and the League have been numerous and significant. It is possible that as a result of the elections the Punjab Premier, Khizar Hayat Khan, will be left with only a handful of Muslim followers. At best he is hardly likely to be able to form a stable Government. Furthermore, Khizar himself has recently re-affirmed his support of the League's Pakistan resolution of 1940. Hence he and his followers, whatever their real views may be, are for practical purposes at one with Jinnah on the Pakistan issue.

It is reasonable to assume that by next spring

(i) The League will have emerged from the elections with greatly enhanced strength and prestige

(ii) With insignificant exceptions all Muslims will be united in the demand for Pakistan.

These are assumptions on which thinking and policy should at present be based.

2. It follows that the emphasis on the unity of India which has hitherto characterised official utterances and official thought is no longer opportune. The preservation of that unity, however desirable in itself, is not likely to be

[7] Sir P. Moon has no precise recollection but thinks he was asked to write this note for Sir S. Cripps by Mr Wyatt.

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attainable. In the face of solid Muslim opposition, the very formation of a Central or Federal Government will hardly be practicable; and such a Government, if formed despite their opposition, could not possibly retain control, once British bayonets had been withdrawn; for it could rely neither on force nor on consent to sustain itself. No doubt the disadvantages of division and the advantages of unity are very great. But it is no use crying for the moon. We have to sacrifice what is ideally best for what is most practicable. We have to ask ourselves; What policy will arouse the least formidable opposition? What policy is likely to involve least use of force? For what policy can we secure the greatest measure of active or tacit consent? In short what policy is most practicable?

3. It is necessary at this point to turn aside and meet a possible objection. It may be said that on the Pakistan issue the British Government should not declare itself either way. Hindus and Muslims should be left to settle it among themselves. The British Government should remain neutral. But in the absence of some definite initiative from us there is no likelihood that they will settle it. If we remain non-committally neutral, the present Hindu and Muslim deadlock may well continue indefinitely. This would mean that we should indefinitely continue to be responsible for the government of a country to which we have promised independence and should be compelled increasingly to govern by force. A non-committal attitude leads to certain disaster.

We must therefore prepare ourselves for a decision keeping in view always what is most practicable in the light of ascertainable Indian opinion.

4. There are still some months to run before the election results will be fully known. At this stage it is unnecessary, indeed it would be premature, to reach, much more to proclaim, any final and irrevocable decision on the Pakistan issue. Before that can be done there must be more thorough testing of the ground than has yet been attempted. But it is high time to frame some working hypothesis of what that decision should be and to begin trying it out on selected Indian leaders. The thesis which this memorandum seeks to put forward is:

(i) that to come down on the side of Pakistan is likely to be the right decision. This should be our working hypothesis;
(ii) that we should at once begin to test reactions to this in those quarters whence the most formidable opposition may be expected;
(iii) that we should be ready in the last resort to throw the whole weight of our power and influence on to the side of Pakistan, if the testings confirm that this is the right decision.

5. Somewhat detailed justification is required for the view suggested in (i) *supra*. The following are the main grounds for it:—

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(a) A united India must be built up of consentient units. If, as seems probable, the solid block of Muslims in North West India becomes bent on breaking away, what but force can prevent them?

(b) To put the matter in a slightly different form, the central Government of a united India must rest on Hindu–Muslim accord. No such accord is possible so long as the dispute about the division of India is unresolved. It will not therefore be possible to form a Central Government of a United India.

(c) This has an immediate and literal application. One of the first steps which H.M.G. would like to take after the elections would be to form a National Government at the Centre to which in due course all power could be transferred. But it is a safe bet that Jinnah will forbid members of the League to join such a Government until the Pakistan principle has been conceded. He is, in fact, in a position to block all constitutional progress except on his own terms.

(d) To unite India against Muslim wishes would necessarily involve force. To divide India against Hindu wishes would *not* necessarily involve force; and at worst the force required is likely to be less. The Hindus of Madras, Bombay, U.P. and C.P. may loudly lament their brethren in Bengal and the Punjab being torn from the embrace of Mother India, but they are not likely to have the will or the power to undertake a crusade on their behalf.

(e) If the Pakistan principle is conceded, Jinnah is likely to be more reasonable than he has appeared hitherto, and to welcome arrangements for close collaboration between Hindustan and Pakistan. His own public utterances and certain private information both alike point in this direction. Recent recruits to the League in the Punjab have included a number of moderate, reasonable men who fully appreciate the desirability of such collaboration. The present Government of India would disappear, but it would be reintroduced in the form of Joint Boards, Five or Ten Year Agreements, regular Hindustan–Pakistan Conferences, etc. India would be divided only that it might be more firmly, because more freely, united. The concession of Pakistan in name would be the means of approximating most nearly to a united India in fact.

(f) There is more likelihood of obtaining Hindu consent to Division than Muslim consent to Union. Hindu opposition to Division will come from (i) the Hindu Mahasabha, (ii) the Congress, (iii) the Sikhs. Of these the Hindu Mahasabha will never willingly give consent, but their opposition will be futile and can be ignored. The opposition of the other two, if put forward in combination at full strength, would be very formidable; but in both cases there is some prospect of obtaining consent.

As regards the Sikhs, it is sufficient to remark that their leaders did

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actually try to do a deal with Jinnah over Pakistan early in 1943. Nothing came of it as the terms which they demanded were ridiculously high. But this shows that their agreement can be purchased. It is a matter of arranging the price.

Congress leaders are likely to oppose Pakistan on principle, but some of them, at least, may be induced to modify their attitude. The reasons for supposing this are as follows:—

(i) The irrefutability of the arguments in favour of acceptance of Pakistan, if properly presented. An India united otherwise than by consent is an India divided *ab initio*.

(ii) At least one Congress leader, Mr. Rajagopalachari, is already fully aware of the force of these arguments. There is also evidence that their force is by no means lost on Mr. Gandhi himself.

(iii) Congress leaders are avid of power. Not a single one of them belongs to the Pakistan areas; therefore not a single one of them will be personally affected adversely by the creation of Pakistan. On the other hand, non-acceptance of Pakistan, by prolonging the Hindu–Muslim deadlock, will inevitably delay their obtaining the power which they so ardently desire.

6. The arguments set forth in the preceding paragraph, none of which are based on any special consideration of British interests, are sufficient in themselves to establish that acceptance of Pakistan is likely to be the right decision, and that it should be adopted as a provisional hypothesis. It is, however, worth observing that crude consideration of British interests also points to the same conclusion. For Hindu India is already deeply estranged. Refusal of Pakistan will estrange the Muslims also. Its concession, on the other hand, will confirm them in their natural disposition to be friendly towards us, and even the Hindus may come to regard it as the necessary price of freedom.

7. If acceptance of Pakistan is adopted as a provisional hypothesis, the practical step required now immediately is to tackle the Sikh and Congress leaders and endeavour to overcome, or at any rate lessen, their probable opposition. This does not, of course, mean that we should open a direct frontal attack on them with some public utterances by the Viceroy or Secretary of State, or with an inspired article in *The Times*. This would be the surest way of raising their opposition to a maximum. They must first be approached privily and the pros and cons of the matter laid before them freely and frankly in the course of unfettered, informal private conversation. To suggest the methods by which this might be done lies outside the scope of this Memorandum, but appropriate methods can be readily devised.

8. At a certain point it will be necessary to go beyond the mere testing of opinion and attempting to mould it by private argument and persuasion. At a

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certain point it will be necessary for the British Government to decide finally, in the light of all the evidence then available, to throw in its weight and influence either in favour of Pakistan or against it. At a certain point, therefore, it will be necessary to pass from discussion of this or that course on their abstract merits to discussion of a particular course as the one which in point of fact is likely to be taken. The mere substitution of a certain decisiveness for an indefinite not-my-business attitude of impartiality may itself have some persuasive effect.

9. As so often in Indian affairs, we are in danger of becoming the victims of words. The real crux of the Indian problem is how to obtain Hindu-Muslim collaboration. Compared with this, the relative merits of Pakistan or United India are, in themselves, insignificant; and granted the sturdy spirit of Provincial independence, which exists in any case, the practical difference between them may not amount to very much. Between separate sovereign states, bound together by close and continuous collaboration, and a Federal Union with a weak Federal Government, the difference may prove one of form than of substance. The demand for Pakistan has unduly scared both the Hindus and ourselves. Concede it and you draw the sting. "Grasp it like a man of mettle and it soft as silk remains."

But it will entail much hard work.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/23

PRIVATE AND TOP SECRET INDIA OFFICE, *11 January 1946*
Received: 17 January

Thank you for your letter of the 1st January.[1] First I must thank you for your two letters[2] containing your proposed Plan of Action. I am bringing these before my colleagues at the beginning of next week but I daresay we shall need several meetings to consider it and I am not yet in a position to give you any views on the subject. If I may say so, however, I think that your proposals are admirably presented and are a substantial contribution to clear thinking on the subject.

2. I think it will be important that you should let us have as soon as possible, your actual proposals for defining the genuinely Muslim areas, if that should become necessary. They will need a lot of thinking about. I have just got your

[1] No. 324. [2] Nos. 315 and 316.

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telegram[3] saying that you intend the War portfolio to be Indianised. This raises a very fundamental issue requiring most serious consideration. I shall be glad to have the detailed arrangements proposed for that, also very soon, on which there may be difficult questions arising with the Service Departments, which would have to be gone into in considerable detail. I should have thought myself that Planning and Development in the next five years might become one of the four major portfolios.

3. I was, as you expected, a good deal amused by Gandhi's conversation with Casey.[4] It is difficult to judge, without meeting him, how far the various irrelevancies which he introduces into the conversation are deliberate and how far they are the ramblings of a mind which is losing grip. I would suppose myself that Gandhi's intellectual powers are weakening but that his position and influence are quite unabated whenever he chooses to exert himself to bring his influence to bear. It may be, however, that he is less disposed to do this than he was, and that it is increasingly an effort to him. The result of that may be that the second rank of Congress leaders, Nehru, Patel and others, get a good deal more rope than they used to do and are not pulled in until Gandhi is really convinced that they are getting near something he strongly dislikes. If, as at the Simla Conference, Gandhi tries to stand back from the front of the scene next spring, this will increase the difficulties of dealing with the Congress and make the situation much more incalculable. But I would suspect that in the last resort Gandhi will in fact be the determining factor in Congress policy and it is not a very good omen that in talking to Casey he remains, as at the time of the Cripps' Mission, flatly against a divided India. Of course it is not inconsistent with saying that, to be willing to concede an extremely wide autonomy to the Muslim areas but it does not look as if Gandhi had changed his position much since 1942.

4. I am interested in what you tell me about the Andamans. It certainly sounds as if they had had a severe time under the Japanese and I am glad to hear that there are reasonable prospects of developing resources on the Islands and that rehabilitation has been so well handled. It was a good move to take journalists with you even if the discomforts of the journey have made them rather ill-tempered in their descriptions of the tour.

[Para. 5, on the Indian Art Exhibition in London, omitted.]

6. Bevin has sent me a copy of a rather pathetic letter from a Bevin Boy. The young man says that he is at present working in a Government Munition Factory, where some thousands have already been retrenched. He then says that 88% of the Bevin trainees are unemployed and that the Government of India do not hold themselves responsible for giving them further employment. Similar complaints have reached my Office through Mahmud, the Indian

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who very successfully ran the hostel for these boys. He apparently has had a number of letters in the same sense.

Of course it is inevitable that there should be reduction in employment on munitions production and I can well understand that a great number of these trainees will no longer be wanted for this work. We have, however, been pressing the Ministry of Labour to give facilities for further training courses for Indian technicians, presumably because men with technical training are expected to be much needed. It will be unfortunate if large numbers of those already trained remain unemployed for a long time or are driven out of industry altogether, as this will discredit the schemes for further training of Indians and will also make the Ministry of Labour reluctant to give facilities. I know, of course, that the complaints we are now receiving may be from people who are crying before they have been seriously hurt, or from the small percentage of difficult cases, but I should like to be assured that the appropriate departments of the Government of India are taking an interest in the fate of these young men, and to know what is being done to place them in suitable posts in civil industry. I should have thought, *prima facie*, that they ought to be extremely valuable to Indian industrialists and that there would be no great difficulty in arranging for their transfer to other employment, but I can see the difficulties when there are no official Labour Exchanges and the organisation of labour is much less highly advanced than in European countries. This is, of course, a part of the big problems of reconversion you must be facing, but I think it is a part which is specially important because it may discredit specialist training in industrial work which on a long term view we are anxious to encourage.

7. It has been suggested to me by an important Member of Parliament that those Princes who handed over their private aeroplanes for Government use during the war are feeling sore at the fact that they have not been replaced. The suggestion made to me was that it would be well worth our while to treat the Princes generously in regard to priority for obtaining new civil aircraft for personal use. This, if it could be arranged, would be a gracious gesture in return for the loan and might also encourage other Princes to come to the British market for aircraft.

I am having enquiries made here about the feasibility of this suggestion but meantime I should like to know whether you have heard any suggestion that the Princes have a grievance in this matter and whether you feel there would be a case for action on the lines suggested to me. If so, I will see what the possibilities are.

8. I have seen Corfield's letter to Patrick, dated 7th December,[5] about the regulation of Princes' Civil Lists. This is one of those subjects which appear

[3] No. 345. [4] See No. 311. [5] L/P&S/13/994.

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simple on the surface but turn out to be full of snags. I have a special interest in it as I sat on the last two Select Committees of the House of Commons on our Civil List. I am glad to see that Corfield is really tackling the subject seriously and I hope that you will be able to register some definite progress as a result of discussions at the forthcoming Chamber Meeting. So far as we can judge here, Corfield's present plan seems to give the best chance of providing a workable system. Corfield has no doubt particulars of the history of our system here and will realise that our Civil List costs less today than it did a Century ago when the revenue was a tiny fraction of its present figure.

9. In paragraph 7 of my letter of November 8th[6] I referred to the allegations which had come to my notice regarding the maltreatment of persons while in the custody of subordinate police officials, especially in Bengal and Bombay; and I then sent you copy of the letters[7] which I had written to Casey and Colville on this subject. I have now received replies to both these letters. In acknowledging Colville's reply, which was dated November 27th,[8] I asked him to send you a copy; you will see that it is reassuring in that it gives particulars of recent cases in which police officers have been punished or dismissed for ill-treating people in their charge. Casey's reply,[9] a copy of which I enclose, likewise shows that the responsible officers at the top are vigilant in supervising the enforcement of the instructions relating to the punishment of anyone who has been shown to have maltreated an accused person. After carefully studying the two replies I do not feel that there are adequate grounds for making similar enquiries in the remaining Provinces or for taking other action with a view to strengthening the existing safeguards against abuses of the kind in question.

[Para. 10, on a passage for Mrs Martyn of Bengal, omitted.]

[6] No. 201. [7] See No. 193. [8] No. 245. [9] No. 275.

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Field Marshal Viscount Wavell to Mr Casey

R/3/1/108: f 149

SECRET AND PERSONAL THE VICEROY'S HOUSE, NEW DELHI,
No. 592/30 *14 January 1946*

My dear Casey,

Many thanks for your letter of the 8th January[1] about constitutional problems.

2. I did not intend to eliminate local option as a way of deciding what areas should adhere to Pakistan. But I think it may be possible to have local option

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without a plebiscite e.g. by arranging special meetings of M.L.A.s representing the areas in question or by taking votes in District Boards. This is a matter which is under consideration.

3. After my experience at Simla I naturally appreciate the objections to another preliminary conference and I quite agree that important decisions will be taken by the leaders of the main all-India parties. On the other hand H.M.G. was very anxious to have a conference democratically based on the elections. I have been working on the agenda of such a conference and there are a good many points about the composition and procedure of the Constituent Assembly which it is well should be discussed in a fairly representative meeting of some kind and not merely with the party leaders. Anyhow the September statement[2] which was approved by the Cabinet, does commit us and I think there is no way out.

Yours sincerely,
WAVELL

[1] No. 340. [2] No. 116.

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Maulana Azad to Lord Pethick-Lawrence

L/PO/6/102c: f 274

19-A, BALLYGUNJE CIRCULAR ROAD, CALCUTTA, *14 January 1946*

Dear Lord Pethick-Lawrence,

I have to thank you for your letter of 21st December 1945,[1] sent through the Governor of Bengal.

I agree with you that personal contacts are of mutual advantage, and I shall be glad to meet members of the delegation at the first convenient opportunity.

With kind regards,

Yours sincerely,
A. K. AZAD

[1] No. 308.

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Cabinet

Far Eastern Civil Planning Unit. Paper GEN. 77/94 (Extract)

L/P&S/12/4662: ff 13, 33–4

British Foreign Policy in the Far East

(Previous Reference: GEN. 77/48)[1]

NOTE BY THE SECRETARIES

CABINET OFFICE, S.W.1, *14 January 1946*

We circulate herewith a draft paper,[2] prepared by the Far Eastern Civil Planning Unit, on the subject of "British Foreign Policy in the Far East."

D. J. CHEKE
M. D. MONTGOMERY

* * *

INDIA

POLITICAL

VIEWS OF THE GOVERNMENT OF INDIA

222. The Government of India have recently prepared papers setting out India's political and economic interests in the Far East and giving an indication of the part which the Government of India consider that India should and will play in this area in the future.

223. The conclusions reached in the political field rest upon the basic strategic premise that security requires either—

(*a*) that India should herself control the Indian Ocean, with naval and air strength equal to that of any possible aggressor, a condition impossible of fulfilment; or

(*b*) that India should be linked in alliance or in some international security arrangement with a maritime and air Power or Powers able to cover the weak places in her armour.

224. At present, this stategic responsibility is borne by the United Kingdom; and in their outline of policy, the Government of India have proceeded from the assumption that India will continue to depend upon the United Kingdom for security.

225. At the same time, the Government of India do not anticipate that the present relationship between the United Kingdom and India will remain unchanged. Their assumption, on the contrary, is that "India will make

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political progress, perhaps rapidly, towards a position of autonomy within the British Commonwealth of Nations."

226. Against this strategic and political background, the Government of India have stated what seem to them likely to be the guiding principles and factors in Indian foreign policy over the next several years. Summarised, these are as follows:—

(*a*) India will continue to be dependent upon the United Kingdom for defence, and will follow the United Kingdom's lead on all major issues of foreign policy.

(*b*) Indian foreign policy will be conducted chiefly in terms of her dealings with her smaller neighbours and she will probably evolve a more independent, purely Indian policy towards them.

(*c*) India is likely to become more conscious of herself as the centre of a zone (not a "no-man's" land between the Middle East and the Far East) and may be expected in practice to devote equally close attention to her Eastern as to her Western and Northern neighbours. In the Far East, as defined in this paper, these neighbours would be Sinkiang, Tibet, Nepal, Burma, Malaya, Siam, Indo-China and possibly also the Netherlands East Indies and Australia.

(*d*) A self-governing India within the Commonwealth may well wish to take the lead in Asia and to assume a more important rôle than China.

(*e*) India will probably take an ever-increasing interest in the welfare of her nationals living outside India.

APPRECIATION

227. The strategic premise appears to be sound. India must either look to some outside source to supplement her own defence forces or relapse into a state of insecurity. It seems improbable that any Power or Powers other than the United Kingdom would be both able and willing, in the near future, to take the United Kingdom's place as the guardian of India, even supposing that the United Kingdom were willing to relinquish that place. India, therefore, if security is to be the deciding factor, must for some years to come remain in some form of association with the United Kingdom.

228. The advancement of India to a position of autonomy within the British Commonwealth of Nations might well resolve, in harmony, India's desire for freedom and her need for security. The Government of India indeed proceed upon the assumption that this prudent and logical course will be

[1] L/P&S/12/4662: ff 210–11.

[2] Apparently prepared in connection with a projected meeting (which did not take place) of British Far Eastern representatives which was to have been held in London in the early part of the year. R/30/1/6: ff 2–4.

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followed. India might, however, if given her own choice, ignore the strategic realities of the situation and prefer "freedom" even at the price of insecurity. In India, political thought is accustomed to turn in on itself, and it is doubtful whether even the Japanese threat has been sufficient to awaken India from a false sense of security, a feeling that the Pax Britannica, which has so long endured, is almost a law of nature, a framework (for political experiment) which would survive even if British support were withdrawn.

229. India's political status, either within the British Commonwealth or outside it, must affect the rôle which India can play in foreign affairs. Whether it is admitted by Indian opinion or not, the fact of India's dependence on outside support for her security sets limits on her freedom of decision on the wider issues of foreign policy. The weaker India's security position is, the less her voice is likely to be able to make itself heard in the world. As an autonomous member of the British Commonwealth of Nations, India would appear to have the greatest prospect of developing policies of her own and of being able to exert an increasingly important influence upon the affairs in which she interests herself.

230. No changes in political status affect the data of geography and it seems that on any view of the probable future status of India, the guiding principles and factors in her foreign policy over the next several years will probably be substantially those formulated by the Government of India, and that India's foreign policy will be conducted chiefly in terms of her dealings with her smaller neighbours. In the Far East, India will necessarily take an active interest in the policies followed by all the Great Powers, especially the United Kingdom, United States of America, China and Russia, but her main preoccupation will be with her close neighbours, and with the policies of other countries, as they are reflected in the countries in this "Indian Zone" which has been extended eastwards as a result of the Japanese War. India's interests in this Zone are complicated and diverse. Fundamentally, her overriding interest in the Zone should be strategic, a concern that the small countries on her perimeter should be "buffer States," areas which must not be allowed to fall into the hands of any hostile or potentially hostile Power: but it seems somewhat rash to assert that strategic considerations will necessarily be the decisive factor in determining Indian policy.

[Paras. 231–5, on economic considerations, omitted. These were subsequently re-drafted: see No. 457.]

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Cabinet

India and Burma Committee. I.B. (46) 1st Meeting, Minutes 1–4

Those present at this Meeting held at 10 Downing Street, S.W.1, on 14 January 1946 at 5 pm were: Mr Attlee (in the Chair), Sir Stafford Cripps, Lord Pethick-Lawrence, Viscount Stansgate, Miss Ellen Wilkinson

Also present were: Mr A. C. Henderson; Mr C. G. Eastwood, Mr M. J. Clauson and Mr E. A. Armstrong (Secretariat)

Minute 1

R/30/1/6: f 59

Parliamentary Delegation to India

THE SECRETARY OF STATE FOR INDIA reported to the Committee that the Parliamentary Delegation now in India had received an invitation from Admiral Mountbatten for two or three members of the Delegation to visit Singapore to discuss matters with Indian Service personnel.

Proposals that the Delegation should visit Burma and that representatives of the A.F.P.F.L. should meet the Delegation in India had been rejected. The Secretary of State therefore saw difficulties about the Delegation accepting this proposal, especially as the normal route to Singapore from India by air was via Burma.

The general feeling of the Committee was that the invitation ought to be declined and that all members of the Delegation should return to England together as soon as their Indian visit was completed. The task that they were doing in India was large enough and it would be unfortunate if they also became involved in the problems of South East Asia or Burma.

The Committee:—

Invited the Prime Minister to reply to the telegram he had received from Mr. Richards, the leader of the Delegation, to the effect that Ministers were anxious that the Delegation should all return as soon as their visit to India was completed as they wished to hear their views; the timetable of events in India made any delay impracticable; moreover, it would be undesirable that members of the Delegation should increase the already wide scope of the mission with which they were charged.

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Minute 2

L/E/9/544: f 258

Distribution of Legislative and Executive Powers between the Centre and Provinces

The Committee had before them memoranda by the Secretary of State for India (I.B. (46) 2 and 3)[1] proposing that the Centre should retain, after the revocation on 1st April, 1946 of the Proclamation of Emergency issued under Section 102 of the Government of India Act, 1935, certain powers in economic matters falling within the scope of the Provincial Legislative List; and that a draft Bill should be prepared for this purpose with a view to its passage before the end of March.

THE SECRETARY OF STATE FOR INDIA proposed that the powers should be confined within the limits specified in I.B. (46) 3, and should be continued to the Centre for a period of two years only in the first instance, subject to renewal in whole or in part for further periods of one year at a time, up to a total maximum of five years, by a Resolution approved by both Houses of Parliament.

THE PRIME MINISTER agreed that it was necessary to take the powers proposed, but he thought it was important that they should not be taken for longer than was really essential.

THE SECRETARY OF STATE FOR INDIA pointed out that the Government of India's original proposal was to take powers of unspecified extent for a period of five years. He had persuaded them to specify the powers in detail and to cut the period to two years in the first instance. One objection to a shorter period than two years was that there were many people in India holding back supplies who might well hold on for another year but might hardly afford to do so for two years.

THE PRESIDENT OF THE BOARD OF TRADE suggested that, for psychological reasons, it would be best to make the initial period nominally one year, but with power to the Governor-General to extend the period for another year. Any further extension should, as proposed by the Secretary of State, require a Resolution approved by both Houses of Parliament.

The Committee:—

Invited the Secretary of State for India to arrange for legislation to be introduced to amend the Government of India Act on the lines proposed by the President of the Board of Trade.

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Minute 3

R/30/1/6: f 60

Legislation to remove the Statutory bar to the further Indianisation of the Viceroy's Executive Council

The Committee had before them a memorandum by the Secretary of State for India (I.B. (46) 6)[2] proposing to amend Section 36 (3) of the Ninth Schedule of the Government of India Act, 1935, by the omission of the provision that three at least of the Members of Council must be persons who have been for at least ten years in the service of the Crown in India.

THE SECRETARY OF STATE FOR INDIA pointed out (a) that there was no need to make any amendment in respect of the Commander-in-Chief, since the Act does not specify that he must be a Member of Council, (b) that it was not proposed to amend the latter part of Section 36 (3) which specifies that one Member must be a barrister of England or Ireland, or a member of the Faculty of Advocates of Scotland, or a pleader of a High Court of not less than ten years' standing; but that this provision could also be removed if desired. He added that the question of timing was important, and he proposed that the necessary legislation should be passed *before* the Viceroy sets about reconstituting his Executive Council, as an earnest that we meant business. It might be most expeditious to introduce a single-Clause Bill separate from the Bill envisaged in the preceding item of these Minutes.

After some discussion, the Committee agreed:—

(1) That the whole of Section 36 (3) should be deleted. This would not *prevent* the appointment of Civil Servants, Barristers, etc., if this continued to be necessary for some time.
(2) That action should be taken at once to introduce legislation.
(3) That there would be no advantage in introducing two amending Bills at the same time, and that the necessary provision for the present purpose should be included in the Bill envisaged in Conclusion 2 of these Minutes.

Minute 4

L/P&J/8/525: ff 213–15

Plan of action regarding the constitutional issue

The Committee had before them a memorandum by the Secretary of State for India (I.B. (46) 4)[3] covering the Viceroy's plan of action for dealing with

[1] Nos. 328 and 336. [2] No. 338. [3] No. 337.

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the forthcoming constitutional issues in India, and a further memorandum by the Secretary of State (I.B. (46) 7)[4] containing his comments on these proposals.

THE SECRETARY OF STATE FOR INDIA said that the Viceroy proposed to start negotiations for re-forming his Executive Council in advance of the discussions leading to the setting up of the constitution-making body and before the results of most of the provincial elections were known. The Secretary of State doubted whether it would be desirable to follow this timetable or practicable to keep negotiations regarding the Executive Council separate from the other constitutional negotiations.

There was general agreement with the views of the Secretary of State. It was appreciated that there was much to be said for the Government keeping the initiative, but it was felt that it would not be right to re-form the Executive Council without relation to the results of the important provincial elections, other than those in the Punjab, and without it being possible to give to the Indians chosen some idea of the constitutional framework of the Government which they were to be asked to join.

Discussion then turned to the best method of pursuing the forthcoming negotiations with the political leaders. The negotiations would be of immense importance. Was this an occasion on which it would be wise to send out a person or persons from this country to conduct them?

It was agreed that there would be considerable advantage in such a mission, but that, for a variety of reasons, it would be necessary for any emissaries sent out to be of Cabinet rank. It was felt that there would also be considerable advantage in having more than one emissary. There would be difficulties in sparing more than one member of the Cabinet from his duties in England, but for purposes of negotiation there was much to be said for a team of, say, three. The mere fact of a visit to India by three members of the Cabinet for these negotiations would in itself have a great effect on Indian opinion, as indeed on opinion throughout the world, and it would be amply justified by the importance of the issues involved. It might not be necessary for all three members of the mission to stay in India throughout the whole period of the negotiations.

As regards the time of the visit, it was thought that the mission should arrive about the end of March, as the results of the provincial elections in Madras, Bombay, Bengal and the United Provinces would all be published during the last few days of that month. An announcement of the visit could be made before the Punjab election results were known. This would meet the Viceroy's desire to keep the initiative in our hands.

The Committee:—

(1) Invited the Prime Minister, in consultation with the Secretary of State for India, to propose to the Cabinet that a mission of three Cabinet

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Ministers should visit India, arriving about the end of March, to conduct the forthcoming negotiations.

The Committee then turned to a consideration of the plan which the mission should be directed to follow. It was generally agreed that while there should be very full discussion with the negotiators before they went to India, they should be allowed the fullest possible freedom in subsequent negotiation in India.

In the course of discussion the following were the main points:—

(a) As part of his breakdown plan the Viceroy had suggested that we should base ourselves on two points of principle, namely:—

(i) If the Muslims insisted on self-determination in genuinely Muslim areas, this must be conceded.

(ii) On the other hand there could be no question of compelling large non-Muslim populations to remain in Pakistan against their will.

The effect would be that, if the Muslim League insisted on a Pakistan solution, at least two divisions of the Punjab and almost the whole of [?Western][5] Bengal, including Calcutta, would have to be allowed to join the Union. The Committee were informed that there were indications that Congress would be prepared to accept exclusion of the truly Muslim districts, but not the whole of the provinces of the Punjab or Bengal. There was no solution to the Sikh question except by the division of the Punjab by districts.

(b) On the question of the timing of any intimation to Mr. Jinnah of our conception of Pakistan, the Committee were in agreement that the Viceroy, if pressed for an answer regarding Pakistan, might well tell Mr. Jinnah that if he could not agree with Congress on the basis of an all-India solution, we should propose a solution on the lines advocated by the Viceroy. It would be a mistake, however, to give any indication of the frontiers we proposed before the constitution-making body had had the chance of coming to an agreement among themselves, whether on an all-India or a Pakistan solution. We did not wish to give the impression of decreeing the frontiers of Pakistan before the constitution-making body set to work, so that it became in effect only a body to make a constitution for Hindustan.

(c) It was felt that a Pakistan solution might well break down on account of the practical difficulties if once Indian politicians could be brought to face up to them (which hitherto they had failed to do) and to realise that they would have to solve them without the British behind them.

[4] No. 347. [5] Cf. Enclosure to No. 316, para. 7.

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Economically, the two Pakistans would both be deficiency areas and might, for this reason, get into difficulties. The frontiers between them and Hindustan were likely to divide in two areas which were economically interdependent, as, for instance, on a single irrigation scheme. The separation of customs, posts, telegraphs and railways and many other services would be uneconomical.

Nor were the practical difficulties solely economic. From the defence aspect there was no clear division between the Pakistans and Hindustan. All the areas on the borders across which trouble might come would be Pakistan areas, but for their proper defence they would require arrangements in depth which, to be adequate, would almost certainly involve Hindustan. It would, therefore, be to the interest of the Pakistan areas to make common cause with Hindustan. Equally, Hindustan would have a considerable interest in the proper defence of the frontiers and—despite the great strength of the non-violence movement—would hardly be content that it should rest wholly in the hands of Muslims who, at some time in the future, might use their military strength not to protect the northern frontiers but to attack Hindustan itself.

Practical difficulties such as these might well bring both Muslim and Hindu politicians together in some kind of federal solution.

(d) There was considerable discussion of the extent to which the British Government could legitimately divest itself of responsibility for the future conduct of affairs in India. On the one hand, it was argued that a pledge had been given in 1942 that India was to have independence after the war. If the succession governments were not able to stand on their own feet economically or for defence purposes, it would be for the appropriate international organ to interest itself in them. On the other hand, it was felt that the pledge of independence was not a blank cheque but had been conditional on a scheme being devised on which all parties agreed. We had a moral responsibility not to hand over the country to Indians without being satisfied that the succession governments were fully aware of the military and economic problems which a self-governing India would have to face and that they had concerted reasonable plans to meet them. Moreover, from the practical point of view, even if it were held that it would henceforward be the ultimate responsibility of the Security Council of the United Nations Organisation to ensure that disputes in this area did not become a menace to the peace of the world, that body would almost certainly depute the task to the British Empire. We should not, therefore, in fact be able to divest ourselves of our defence responsibilities, however much we might appear to do so.

It was agreed that the risk of the latter point of view was that in

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effect we set ourselves up as the sole judge of what solution was reasonable both economically and from the defence aspect. If no solution was reached which we could regard as reasonable, logically we should continue governing India even if it involved rebellion which would have to be suppressed by British troops.

After full discussion, the Committee agreed that the plan of action required detailed working out in the light of the proposal to send a mission of Ministers to India.

THE SECRETARY OF STATE FOR INDIA said that his officials had already been working on a breakdown scheme under which His Majesty's Government would continue to govern India while giving the maximum measure of self-government to the provinces.

The Committee considered that it would be worth while continuing to work out, as one possible breakdown scheme, a plan whereby the powers retained at the Centre were reduced to the absolute minimum.

The Committee:—

(2) Invited the Secretary of State for India to work out with his officials, for submission to the Committee, the framework within which the Mission should operate. In so doing account should be taken of the several points raised in discussion.

[Minute 5, relating to Burma, omitted.]

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Mr Heath to Lord Pethick-Lawrence

L/P&J/8/689: ff 9–11

WHITEWINGS, 57 MANOR WAY,
GUILDFORD, SURREY, *14 January 1946*

Dear Pethick-Lawrence,

My answer to your query about 'Pakistan'[1] can, I think, be summarised briefly as follows:—

1. Pakistan is the expression of a reasonable Moslem fear of being submerged in what may prove to be an all-powerful unitary State of India dominated by the 2½ to 1 majority of Hindus. (Cf. Protestants and Catholics in Ireland.)

[1] No record of Lord Pethick-Lawrence's 'query' on Pakistan is on L/P&J/8/689.

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2. The Government should recognise this sympathetically, as a real difficulty, and endeavour to meet it frankly and effectively. But it must not in doing so ignore the equally reasonable claim of the 3 to 1 majority (Hindus plus Sikhs, Christians, Buddhists, Parsees) that Indian unity, built up under the British, must remain unimpaired.

3. Too much thought and emphasis is at present concentrated on the Central Government problem. A *United States of India* (Baldwin's phrase in the Commons fifteen years ago) demands that its members be *first autonomous States*; and in the circumstances of India that it be made clear that residuary powers will lie with these States, and not with the Central Government and Legislature, whatever these ultimately are.

4. The Provinces (with some amendments of frontiers perhaps), become autonomous States, would in large measure meet the Moslem need. A limited Federal Union for specific purposes would not then encounter the Moslem opposition that the fear of a powerful centralisation dominated by Hindus, does. They would rule freely the Moslem areas.

5. The four or five main and essentially federal questions present only two of real difficulty: Defence and Foreign Affairs. But there will be much greater possibility of reaching agreement as to these, once the basic fear of Hindu domination, in everything, is removed.

6. Lord Wavell will of course carry out his undertaking, after the elections, for a further effort at agreement. When that fails, as I believe it will, a drastic change should be introduced, and the Provinces declared autonomous States; all power being passed over to them forthwith, save in respect to the four or five all-India matters of Foreign Affairs, Defence, Customs, Communications and Common Finance. These, it should be announced, will be held by Britain only, pending a federal agreement between the free and self-governing Province-States. What applies to the Province-States might then be made to apply to the Princely States also.

I have developed these ideas further and for my own satisfaction in a Memorandum, a copy of which I venture to send you. But you may not have time to read it. This note covers the main argument.

I am conscious that you may think much of it to be somewhat crude. To be brief without seeming crudity is difficult in so complicated a matter. But I have been watching these things closely for 15 years. So, in answer to your query, I am sending you my conclusions.[2]

Your friend sincerely,

CARL HEATH

Please note the quotation from *The Times* on p. 4 of the Memorandum.

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Enclosure to No. 356

Memorandum by Mr Heath

What is to be done with the 'Pakistan' problem?

1. Preliminary.

Sir Muhammad Iqbal, the Moslem poet, who is generally credited with the original ideas leading to 'Pakistan', is reported to have said at Allahabad in 1930, speaking to the kind of federation of India that Moslems could support:—

> —"Residuary powers must be left entirely to self-governing States, the Central Federal Government only exercising those powers which are expressly vested in it by the free consent of the Federal States."—

and he went on to say:—

> —"I would never advise the Moslems of India to agree to a system, whether of British or of Indian origin, which virtually negatives the principle of true federation, or fails to recognise them as a distinct political entity."—

Sir Iqbal was presumably thinking in terms of the North-Indian Moslem State he had suggested, and the 'them' would mean the Moslems in that Moslem State.

It appears to me that much trouble has arisen because we have largely lost sight of the original idea of what was to be done in India; expressed by Mr. Stanley Baldwin in a Commons Debate after the Round Table Conference (Jan. 26. 1931).[3] Mr. Baldwin then said:—

> —"I must submit that the imagination of the whole country has been caught by the idea of a *United States of India*, and therefore we are on entirely fresh territory."—

Discussion has too uniformly centred on the problem of central government. In result the political parties have developed more and more into national unitary parties. There are no States' parties, save in the Punjab and Madras. But before there can be a United States of India there must be free and independent individual States willing to be federated.

In the fifteen years since Mr. Baldwin spoke this has led, in spite of immense efforts, to an almost hopeless situation concerning this centre question; and especially to a grave sense of fear in the Moslems that what was coming, although spoken of in the 1935 Act as "the Federation of India", would be, in effect, a powerful unitary State, in which Moslems would find themselves in a permanent subordination to a vast Hindu majority. Hence the rapid development of the Pakistan movement, and an intransigence concerning the claim embodied therein.

[2] Lord Pethick-Lawrence sent a copy of this letter and memorandum to Sir S. Cripps.

[3] *Parl. Debs.*, 5th ser., H. of C., vol. 247, col. 745.

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Great Britain quite rightly maintains that she cannot hand over *power* to confusion. There must be a government to which power can be transferred. But three things are now evident:—

(1) Agreement as to a central government is at present clearly impossible.
(2) An imposed decision by Gt. Britain for, or against Pakistan; or for or against several Indias, is fraught with grave danger.
(3) *No* decision presents even graver danger; and leaves all Indian parties linked in a deepening antagonism to Gt. Britain.

As I see it therefore the problem narrows down to how to meet the fair demands of the Pakistan claim on the one hand, without surrendering the just claim, of the great majority of Indians, that the unity of India be maintained.

2. Suggestion for solution.

We should be prepared for a new and drastic action that would bring us to the point of handing over most powers without delay. Although I believe that the Viceroy must first carry out his promise that as soon as the elections are over he will consult again with the political leaders to see if agreement can be reached, I do not, in view of the situation, anticipate any more success than after the recent Simla gathering.

I suggest that in this action we must come, in Earl Baldwin's words, on to "entirely fresh territory". Gt. Britain should announce that it will, without further delay, recognise the Provinces as autonomous *States* (as were in effect the Australian Colonies before they came into federation). With these eleven Province-States might rank the Indian or Princely States, grouped perhaps for the purpose in a limited number of workable associations. Federation of any kind would be looked to as the second stage, but in any case as one, in Sir Muhammad Iqbal's words quoted earlier, in which "residuary powers would be left entirely to self-governing *States*."

This recognition of the Provinces as autonomous States would in large measure meet the main need in the Pakistan demand, but it would provide, not a Moslem Pakistan only, but an all-round system. It would be an application to India, as so ably expounded by Prof. Coupland in his *Report*,[4] of the main position of the Cantons in the Swiss system.

Once these States had been recognised as autonomous units, and power frankly passed over to them, as such,—with of course certain temporary exceptions, a limited federalism of utility could be developed. Nobody in India wants to forego the obvious convenience of a single all-Indiaism—communications, railways, etc. But in such a polyglot civilisation as India presents, with all its Moslem fears in particular of the centralised power of a dominant religion, State autonomy and the assurance thereof, must come

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before there can be progress in federation. The Provinces do not at present possess any such State autonomy.

This recognition of the Provinces as States, and the passing over of power to them forthwith, would be no small thing. Indeed it would be an immediate and drastic embodiment of Britain's will to *freedom now*.

3. Federal questions.

The questions that seem essentially federal in nature, and that would have to be held by Britain, pending agreement between the now free States, would in the main be five:— (1) Customs and a Customs Union; (2) Communications (Railways, Highways, Posts, etc.), (3) Common Finance (4) Defence (5) Foreign Affairs.

Nos. 1, 2 and 3 are mainly utility services and should not raise divisive problems of policy in the Moslem–Hindu sense. Defence and Foreign Affairs are clearly much more difficult. It might well be that some States would insist on remaining outside the federal system on these matters. In Defence some of them might maintain their own forces by agreement, as some of the Indian States do now. And no great difficulty need arise if some maintained their own Foreign relations, as in the British Commonwealth at present, and in the U.S.S.R. and formerly in the German Empire.

There need moreover be nothing to prevent States from [forming] regional associations, as desired under the Pakistan scheme. But these should not be established as combinations antagonistic to the United States of India. There would be Moslem States, and Hindu States, and possibly a Sikh State; ultimate or residuary powers lying with each. Here I may quote *The Times* Correspondent in Delhi (January 11th 1946)—

> "On the Congress Party side there is probably a growing realisation that Muslims may have to be conceded full autonomous control in areas in which they have a majority, subject of course to a fresh delimitation of provincial frontiers."—

But if Muslims why not Hindus, and Sikhs, etc? Why not *a system*, rather than a concession to *one* powerful group only?

It is not perhaps useful to speculate as to any central legislative body that will be found necessary, as that is a matter for the Indian Constituent Assembly as foreshadowed in the Cripps Proposals. But I would observe that in what I am suggesting the powers of such a body to legislate would be relatively small and confined to the agreed federal subjects. The greater power for progress of all kinds would rest with the State legislatures. And it may be remarked here that some of these Province-States are in fact very substantial *nations*. Bengal, the United Provinces, and Madras have each populations equal to, or greater than, that of Gt. Britain.

[4] See No. 2, note 4, *op. cit.*, pp. 67–72.

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4. Conclusion.

My suggestion would then be that, following the elections, the Viceroy should first make the further effort he has foreshadowed. If, as I believe, this will fail the Government should then assemble the leaders and, expressing regret that no agreement as to the Central Government had been reached state its intention to implement a provisional settlement that would enable it to pass over to Indian State Governments its main powers forthwith. This provisional settlement, it would be declared, had in mind, and in sympathy, both the fears of the Moslems and the democratic claims of all the others. The settlement implemented would be on the basis of fundamental State right, and agreed devolutions to a federal body of limited powers, to be determined by a representative Assembly of the now free and autonomous States.

CARL HEATH

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/23

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI, *15 January 1946*

Many thanks for your letter of the 4th January.[1]

2. I have just come back from an interesting tour in Bombay. The first night was spent at Ahmedabad where I went over a very large textile mill belonging to Kasturbhai Lalbhai, a multi-millionaire, and had interviews with local politicians and others. The mill was erected early in the thirties, and is, I believe, one of the best mills in the world. Kasturbhai Lalbhai clearly understood most of the processes and knew a great deal about what was going on. Politically, he is strongly Congress like most of his kind. There are some impressive buildings in Ahmedabad. There is a mosque with some lovely carved windows; and the Commissioner's house, where we had lunch, was built for Shah Jehan when he was the Viceroy of his father in this part of the world. I also opened a local Agricultural and Cattle Show some 20 miles away.

From Ahmedabad we went to Bombay where I saw the Haffkine Research Institute and had further interviews. The same evening we flew to Poona. Our programme at Poona, where we spent three days, was a very full one, and I saw some interesting rural reconstruction and irrigation schemes.

3. Both Poona District and Satara District, in which I spent a day visiting villages and seeing schemes for village uplift, have areas in which the crops have failed and in which there is already serious scarcity. I discussed the food

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situation with local officials, with Knight, and with Colville himself. Scarcity extends to about half a dozen districts, and the Presidency needs considerably more imports if it is to maintain the ration of one pound per head per day. Unfortunately existing allotments are not coming in according to programme from the surplus areas; I am trying to remedy this but with no great success so far. In any event the Presidency needs very considerable further allotments which can only be given to it if Ben Smith can secure for India in Washington another 150,000 tons of imports in addition to the 561,000 tons we have so far been led to expect. The Bombay Government think that they will have to cut the ration by 25 per cent., which will probably lead to labour trouble, but is probably unavoidable, and they want the cut to be an all-India one. This point is to be discussed at a conference with the Provinces early next week. The difficulty of course is that if we cut the ration in a Province like the Punjab, while we gain a little on account of the saved rations themselves, we may lose a lot more in shaking confidence and making procurement more difficult. I have telegraphed to you,[2] and have repeated my telegram to Washington, asking that our claim for further imports should be very strongly pressed. This year, of all years, we do not want serious food scarcity in the villages and "bread queues" in the towns.

4. The two ordinances demonetizing currency notes of Rs. 500 and over have created a great sensation here and I send in this bag one or two newspaper cuttings on the subject. 1,000 rupee notes have passed hands at a very heavy discount, and it seems that we have dealt a real blow to the black market and to evaders of taxation. For once our intentions do not seem to have leaked out in advance, and we caught the enemy completely by surprise.

5. I have seen the correspondence between Monteath and Abell about the India Office's efforts to draw up an interim constitution for India.[3] Abell has informed Monteath of my view that we should concentrate all our efforts on securing agreement about a final constitution. I imagine Parliament would hesitate to devote time to the consideration of an interim measure, and certainly if such a measure were put forward by Government the reactions in India would be most unfavourable. Indeed I should not be surprised if this alone were enough to convince Congress that negotiations were useless and make them turn their minds to the organizing of a mass movement at the earliest possible date.

6. I send with this letter a note of a conversation between Jinnah and Wyatt of the M.Ps. Delegation. This is interesting evidence of Jinnah's

[1] No. 331. [2] Tel. 95-S of 14 January. L/E/8/3329.

[3] A letter of 21 December 1945 from Mr Abell to Sir D. Monteath which casts doubt on the usefulness of the interim constitution idea is on R/3/1/107. No other correspondence on this subject has been traced. For a draft of the India Office's interim constitution see No. 541.

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uncompromising attitude though of course it is possible that what he says is intended only as a preliminary bid. In any case the reported conversation shows very clearly that I must know my ground before I start discussions about the composition of the new Executive Council.

7. There is also some evidence, provided again by Wyatt, as to the probable attitude of Nehru. Wyatt had a four-hour discussion with Nehru on the 10th January, in which Nehru conceded that the British Government might have to declare for Pakistan but said that there must be a plebiscite in border districts to confirm it. He did not accept the present election results as sufficient, since he maintained that Muslims did not know what they were voting for; granted, however, (*a*) a plebiscite, and (*b*) territorial readjustments so that solid blocks of Hindu territory were not included, he accepted Pakistan. Nehru added that if negotiations broke down Congress would start the biggest-ever mass movement. Asked about his recent speech when he said that he would not sit at the same table with the Muslim League to discuss a settlement, Nehru waved it aside and said that he did not of course mean that.

Possibly Congress hope that a truncated Pakistan would be unacceptable. Anyhow Nehru seems to realise that the Congress must give up its claims to represent the Muslims.

8. You have been sent a copy of Casey's letter of the 7th January.[4] The figures he gives about the release of security prisoners are certainly impressive. The numbers in custody have been reduced as follows since July 1945:—

	July 1945.	*January 1946.*
Jap contacts	188	3
Terrorists (under Ordinance III of 1944) .	952	287
Goondas, Hurs, etc.	2,200	42

9. Talking of Hurs I send with this bag a report of a speech by Nehru in which he said: "They can make anybody a criminal by treating them like criminals, but the perseverance and courage shown (by the Hurs) show they deserve a great deal of consideration by Government." Nehru is an odd person, and I do not think he would gladly repeat his praise of the Hurs before a more enlightened audience, but he was speaking in Sind where the Hurs are still a political factor, and I suppose he was led on by his admiration of the courageous rebel as a type.

10. In your letter of the 20th December[5] you expressed some anxiety lest permission to Provincial Governments to take action on seditious speeches should lead to frequent prosecutions. I think that sufficient guidance has been given to Provinces in a Home Department letter No. 1/4/45-M.S., dated 5th December,[6] of which a copy was sent to you on the 7th December. In

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that it was clearly laid down that prosecutions should be confined to the worst cases, that the effect of prosecutions on other Provinces and on the plan for an all-India settlement should be borne in mind, and that the Home Department should be consulted if the action which was contemplated was likely to have important effects outside the Province. I shall see that you are kept informed of the details of any important prosecutions for sedition which are not reported to you in the fortnightly confidential reports. At the end of December the United Provinces Government forfeited the securities of two papers for articles which I think you will agree fully merited this action. Translations of the articles are being sent to Turnbull by this bag.

11. In paragraph 9 of your letter[7] you asked to be informed of the upshot of Casey's enquiry about the Calcutta riots. I expect you have since received a copy of Casey's letter of the 2nd January[8] which gives the information you require.

12. In your letter of the 20th December[9] you endorsed Hallett's remarks that we should counteract I.N.A. propaganda by encouraging ex-prisoners of war who had maintained their allegiance under difficult conditions. You will be interested to know that a letter has been sent to all ex-prisoners of war from the Commander-in-Chief, and all Regimental Centres have been instructed to encourage these men by doing everything they can to bring them up to date in their training and professional knowledge; and wherever possible to retain them in the Army. Recommendations for award of honours are also being made in suitable cases, and so far some 50 persons have been recommended for various grades of the Order of the British Empire, 12 for the B.E.M., and 80 mentioned in despatches. I agree with Hallett that we should use all means of boosting the great majority who remained staunch, and although it is not easy to do much with the newspapers, All-India Radio may be able to play a useful part.

13. In paragraph 6 of your letter of the 20th December you made it clear that you would not be able to support in Parliament any proposal to make it mandatory on the Government of Burma to allow unrestricted entry into the country of Indians of the professional and business classes and skilled workers. You suggested that it might be desirable at some stage to make a declaration of policy on the subject. Dr. Khare has not yet shown any signs of protesting against your official reply, dated 7th December,[10] and I would personally prefer to let the matter rest for the time being.

[Para. 14, on Council's consideration of teleprinter facilities for foreign agencies in India; and para. 15, on the proposal for an American commercial radio transmitter in Ceylon, omitted.]

[4] L/P&J/5/152: ff 4–14. [5] No. 302, para. 3. [6] No. 267. [7] No. 331.
[8] No. 326. [9] No. 302, para. 5. [10] L/P&J/8/214.

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16. The Department of Agriculture are finding considerable difficulty in getting the various experts which they need from the U.K. Kharegat has recently written to Runganadhan asking him to obtain the services of an expert to advise on the expansion and reorganisation of the Zoological Survey of India. He will be needed for about three or four months and would advise on the location of the Survey, the planning and layout of buildings and laboratories, the scientific equipment and staff required, and so on. Runganadhan has been asked to approach a Lieut.-Colonel Sewell, F.R.S., of Cambridge University, who was for some time Director of the Zoological Survey of India. Runganadhan has also been asked to find an expert to advise on the reorganisation of the Imperial Dairy Research Institute, and unless one can be found from the U.K. we shall have to go to America. I should be grateful for any assistance that you can give Runganadhan in obtaining the services of these experts. It is important that we should get men of this kind from the U.K. and not be forced to go to America for them.

17. I have received your telegram[11] informing me that there is no hope of an assurance at an early date of the withdrawal of Indian troops in Java to non-active rôles. I have also seen the brief[12] for our spokesman in the Assembly which Monteath sent to Abell. I appreciate your difficulties, and I have discussed the question in the last couple of days with Mountbatten who is staying here. But I must repeat my warning that if I obtain a new Executive Council they are likely to resign on this issue unless we can satisfy them. If they were to resign we might stand to lose far more, I think, than we stand to lose by disappointing the Dutch in Java.

[Para. 18, on the Indian Art Exhibition in London, omitted.]

Enclosure to No. 357

Note by Major Rankin

SECRET *8 January 1946*

WOODROW-WYATT / JINNAH TALK

Woodrow-Wyatt had a long talk with Jinnah today the substance of which he repeated to me as follows:—

1. *Interim Government.*

Jinnah will not take part in any interim Government without—

(*a*) a prior declaration accepting the *principle* of Pakistan, tho' he would not ask at that stage for any discussion or commitment on details.

(*b*) Parity of the Muslim League in the Government with all other parties, i.e., out of 14 portfolios 7 must be Muslim League. This he said follows from the acceptance of the principle of Pakistan.

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2. *Constitution-making Body.*

Jinnah will insist on 2 C.M.Bs. The drawing of the frontier between Pakistan and Hindustan would be a matter for negotiation between the two C.M.Bs.; he quoted rather vaguely as precedents the drawing of the Chekoslovak–Polish and Yugoslav–Italian frontiers after the last war. He did not envisage "predominantly non-Muslim areas like the Ambala Division" remaining in Pakistan but insisted that Pakistan must be "a living state economically and culturally".

3. Any attempt to impose a unified constitution or to accept a majority decision by a single C.M.B. would be resisted, if necessary by force.

4. Pakistan would remain within the Empire with a British Governor-General. British Industry and Commerce would be encouraged in order to develop Pakistan which would be far behind Hindustan economically.

5. Relations with Hindustan would be purely diplomatic: there would be no common currency, transportation system, army, etc.

6. All this was said in very definite fashion; and Wyatt received the impression (no doubt as he was intended to) that Jinnah would not budge from this position. Jinnah thought the Hindus would accept it as it would give them three-quarters of India "which is more than they have ever had before".

C. W. B. RANKIN

[11] 820 of 11 January reporting the outcome of the Defence Committee meeting of the same day (No. 348). L/P&S/22/1035: f 110.
[12] *Ibid*: ff 118–28; see Annex II to No. 364.

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Sir N. Brook to Sir D. Monteath

L/E/8/4869: ff 61–3

16 January 1946

My dear Monteath,

Many thanks for your letter of the 31st December[1] about the draft submission to the Prime Minister regarding the proposed appointment of a United Kingdom High Commissioner in India.

I enclose a copy of the minute which Bridges has now submitted to the Prime Minister. This follows the terms of the draft—subject only to a small change which we have made in the first two lines of page 2 at the suggestion

[1] L/E/8/4869: f 67.

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of the Dominions Office, and the addition of a final paragraph suggesting further discussion of the detailed arrangements by officials.

Yours sincerely,

NORMAN BROOK

Enclosure to No. 358

Sir E. Bridges to Mr Attlee

15 January 1946

Prime Minister

At their meeting on 25th October[2] the India Committee approved the proposal to appoint a United Kingdom High Commissioner in India and agreed that the question of the Department to which the High Commissioner should be responsible should be settled by the Secretary of State for India and the President of the Board of Trade in consultation with you.

The question of departmental responsibility has since been further discussed by Ministers, and also by officials of the interested Departments. Proposals to place the High Commissioner under the Dominions Office, the Board of Trade or the India Office have all encountered opposition, from one quarter or another; and it is clear that there is no prospect of agreement to any of these three solutions. In these circumstances it was proposed that, as an interim measure, the High Commissioner should be put "under the Cabinet Office"—in the sense that the conduct of relations with, and the formulation of instructions to, the High Commissioner should be put in the hands of a Standing Committee of officials on which the Departments primarily interested would be permanently represented and other[s] represented ad hoc according to the nature of the subject under discussion. This Committee would be served by a member of the Cabinet Secretariat; and correspondence with the High Commissioner would be conducted by the Cabinet Office under the authority of the Committee.

The Cabinet Office have had experience during the war of handling similar arrangements for communication with Ministers Resident abroad; and I believe that an arrangement on these lines could be made to work, as an interim measure, on one condition, viz. that some one Minister should be designated as responsible for defending the High Commissioner's actions in Parliament and answering any questions about his work which do not fall clearly and wholly within the departmental responsibility of another Minister.

Under the arrangement now envisaged the High Commissioner will not be generally responsible to one Minister rather than another; and questions about his activities would, by normal practice, be regarded as "Prime Minister Questions". I suggest, however, that you might delegate to one of the two Ministers in the Cabinet without departmental duties—either the Lord Presi-

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dent or the Lord Privy Seal—the duty of answering on your behalf Questions relating to the work of the High Commissioner which do not fall clearly and wholly within the departmental responsibility of another Minister. This arrangement, if made, should be explained to the House in the original announcement of the High Commissioner's appointment.

The President of the Board of Trade, the Secretary of State for Dominion Affairs and the Secretary of State for India concur in the foregoing suggestions.

If you agree with the arrangements now proposed, there will still remain various further points to be decided, e.g. the directive or terms of reference to be given to the High Commissioner; the staff which he will require; and the composition of the London Committee. I would propose, if you agree, to hold a further meeting of officials to consider these questions and prepare a report to Ministers.[3]

[2] No. 168, Minute 3.

[3] On 21 January Sir N. Brook informed Sir D. Monteath that Mr Attlee had approved Sir E. Bridges' minute and had designated the Lord Privy Seal as the Minister to be responsible for answering Questions in Parliament. L/E/8/4869: f 60.

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Note by Mr Zinkin on Pakistan[1] *(sent to the India Office by Sir S. Cripps on 16 January 1946)*

L/P&J/10/19: ff 55–6

It is difficult to be very definite about the economic possibilities of Pakistan, because it has never been laid down exactly how completely separate from Hindustan Pakistan will be. I therefore discuss three possible alternatives.

1. *No Common Defence*

Pakistan's central budgetary position would be hopeless. Both the North West and North East frontiers lie in Pakistan, and so the bulk of Defence expenditure would fall on her. Pre-war Defence cost 45 crores a year. That left India without an Air Force (except a couple of squadrons), or a Navy (beyond a few ships), and there was not even a single fully mechanised division, though two were mechanising. Post-war, we may assume that H.M.G., or the Commonwealth in general, will be willing to do in effect a large proportion of India's defence in return for the advantage provided by the existence of a decent-sized Indian regular army, very nearly equal in number to that given by a full year's conscription in Great Britain; on this assumption India may be

[1] Mr Zinkin's recollection is that Sir Stafford Cripps asked for this note when he saw Mr Zinkin at the suggestion of Mr Guy Wint.

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able to manage with the Air Force of ten squadrons, the Navy of one destroyer flotilla, and the Army of something like pre-war size though greater mechanisation, which present plans will probably in the end boil down to. Such forces would cost somewhere around 100 crores; and since Pakistan would have to provide most of them, especially of the Army, her share may be placed at 80 crores. This does not mean that Hindustan would only spend 20; one of the first results of separation would undoubtedly be that more would be spent on defence by the two States taken together than by a single united India.

Against this 80 crores, Pakistan's central revenue would be around 60. Revenue for all India was 356 for '44–'45. This includes 210 for Income Tax, Super Tax, and E.P.T. This is likely to go down to about 100 when E.P.T. and war profits go, and while Customs may go up, other items are likely to go more than correspondingly down (e.g. Railway and P. & T. contributions), so that a post-war Indian central revenue of 250 crores is probably a fair guess. To give Pakistan a quarter of this, on the basis of the proportion of Muslims in the population, is probably reasonable. Certainly no other method would give a more accurate result. One cannot take pre-war provenance of taxation as a guide because separation would change so many of the factors on which it was based; imports, and so Customs duties, might be directed from Bombay to Karachi, or insurance companies, taxed at present on their income in the Circle, where their Head Office is situated, would have to pay tax separately on their Pakistan profits.

There is therefore a deficit of 20 crores on defence alone. In addition, Pakistan would have liabilities of maybe 5 crores per year interest charges and five crores civil administration (e.g. income tax collection or the Central Secretariat). The deficit would therefore total 30 crores, even in a reasonably good year—the revenue figure of 60 assumes *some* railway and P & T contributions, Customs higher than 1938–9, income tax six times pre-war. The Budget might just be balanced by borrowing in good years, so long as people retained confidence in the Government; but the first bad year would mean bankruptcy, not in the Victorian surmountable sense of being unable to pay interest on debt, but in the older, revolution-making sense of being unable to pay soldiers and officials. In any year, the possibility of nation-building expenditure would be negligible. It is unlikely that even an all-India Government would be able to borrow more than 200 crores a year—it has not been much higher even at the height of the war, and something must be allowed for provincial borrowings, and to give Pakistan 50 of this is probably too favourable, in view of Bombay's leading position as a lender, and the fact that the Muslims had got less than their proportion; but if Calcutta went wholly to Pakistan the 50 might be increased to 60 or 70. But it is, in any case, doubtful how far anybody, and particularly the big European and Hindu firms who do most of the

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lending, would go on doing so to a Government so heavily in deficit for non-productive purposes. The alternative would be finance by inflation, and India has already had so much of that that it is doubtful whether there is much further scope.

The only possible conclusion is that in [? a] Pakistan, which had to find even a Defence in which the Commonwealth substantially provided the Navy and Air Force, would go bankrupt in the anarchical sense of being unable to pay its services.

2. *Common Defence and Currency and a Customs Union*

So close an association would imply the continuance of some sort of Centre to administer the armed forces and to collect the taxes necessary to pay for them, and it would require an agreement on all such issues of overall planning as location of industry and tariffs. The economic liability of Pakistan would not be different from the economic liability of the Pakistan provinces in a United India; in fact, it would probably be rather better. Since economic issues would be settled by agreement between the two States and not by a majority vote or the forces of the market, Pakistan should be able to get a much greater share of industrialisation than she ever has had in the past, and could probably insist on tariffs that gave more consideration to her needs as an exporter—Pakistan provides much more than her proportion of India's exports, much less than her proportion of India's protected manufacturing production; the contrast is between Pakistan's jute and Hindustan's cotton textiles—than the present tariffs do.

3. *Common Defence but no Common Currency or Customs Union*

This might be very difficult to work, as there would be a definite risk of United Armed Forces becoming greater than their divided masters; and Hindustan might raise difficulties over finding most of the money, when so large a proportion of the forces would have to be stationed in Pakistan, so that the money and employment would go largely to Pakistanis.

On the assumption that an agreement could be reached, however, this might be the best choice of all for Pakistan, at least in the short term, for the reasons given shortly under alternative 2, and which may now be dealt with at greater length.

Pakistan is primarily a producer of products which have to be sold at a world price. Her great surpluses are of wheat, tea, cotton, jute, and rice; her industry is largely jute goods, though there is also some engineering, big in Calcutta, mostly small in the Punjab. Her only benefits from protection are from the quite small wheat and cotton duties, neither of which before the war in effect gave the Pakistan producer a chance to go above the world price because his own production was so large in relation to demand. The tariffs on

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cotton textiles, steel, rails, chemicals, and so on endure [? enure] to the benefit of Hindustan. At the same time, the Pakistan provinces of the North West cannot industrialise themselves, or even make their own clothes, although they grow the cotton, because their wage rates are up to twice as high as Hindustan's and Hindustan is therefore normally able to undercut them. If Pakistan had a separate tariff, it would be able either to reduce its cost of living by importing [from] other sources than Hindustan, e.g. Belgian rails, England fine cotton-goods, or else to encourage its own industrialisation; in fact it would probably do a bit of both, as by making its own textiles and importing rails wherever it could get them cheapest.

So, too, with currency. Pakistan's and Hindustan's interests may well diverge in the future, though prophecy is not easy. Hindustan will certain[ly] go in for a heavy industrialisation policy which will make her a very considerable deficit trader on international account. It might well pay her to utilise the strength afforded by her sterling balances to raise the rupee's value to, say, 2/-, even though this might involve a considerable sacrifice of exports; she will probably in any case wish to divert much of her old exports, cotton, and groundnuts, for example, to her own industries, old and new, and in the remainder, mica, the reduced quantity of groundnuts, coarse cotton goods, her position may well be strong enough to enable her to force an increase in price on her buyers sufficient for the internal price to be very little affected by the rise in the value of the currency. Agricultural protection would, of course, be necessary in consequence, but since the *rupee* price to the consumer would not be raised, he would probably put up with it quite willingly.

Pakistan, on the other hand, might quite easily eventually wish to devalue the rupee. Prices of all her basic products are at present high, and likely to go down. Any severe fall would cause grave social dislocation. Agricultural protection is not an adequate answer, because Pakistan, unlike Hindustan, is a surplus producer all round. Devaluation may well become necessary; devaluation upwards is certainly impossible. The Pakistan rupee's being devalued as against the Hindustan rupee would also have the advantage of bringing the wage-rates of the two sections more into line.

CONCLUSION

The crux is defence. If Pakistan has a separate defence and has to pay for any reasonable share of it, she must eventually go broke, though the evil day might be postponed through borrowing and using her share of the sterling balances; and meanwhile, of course, the problem might be solved by the United Nations Organisation's becoming effective. If there is common defence, Pakistan will probably be better off than at present, either by being able to bring pressure to bear at the Centre for economic planning to be biassed in her favour, or by using her tariff and currency freedom to the same end.

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NOTE

The provincial revenue and expenditure figures are not touched upon as they are not really affected by whether there is a Pakistan or an all-India Centre. It is to be noted, however, that average holdings in the Pakistan countryside, and therefore average rural incomes, are much higher than in Hindustan.[2]

MAURICE ZINKIN
1945

[2] Mr Patrick concluded a minute of 24 January by noting: 'I am not sure if Mr Zinkin's note is regarded as a basis for a brief to H.M.G. A more expert examination might need recourse to G/I experts.' Sir W. Croft minuted on 25 January: 'There are some interesting speculations in Mr Zinkin's note. But I don't think it is solid enough to be the basis for any serious consideration of the subject. There is a good deal of common ground in the material already available, & if that could be embodied in a Mem[orandu]m this is about as much as we can be expected to do at this stage.' On 28 January, Sir D. Monteath minuted to Mr Baxter: 'The question of the viability of Pakistan will need to be examined by Ministers. It can, I think, be examined from 3 angles Defence, Economic & Financial.' He proceeded to suggest ways in which the India Office could assist in this threefold examination. L/P&J/8/690. For the resulting note see No. 427.

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Mr Turnbull to Lord Pethick-Lawrence

L/PO/6/102c: f 150

16 January 1946

Secretary of State,

I do not think we have ever received any clear statement of what the Kindergarten is intended to do, or what its terms of reference would be.[1] The suggestion has come from several quarters, but originates, I feel sure, with Mr. Moon and Mr. Hodson, who have now joined forces again with Chatham House. It was quite plain when Major Wyatt and Lord Farringdon were here that their main idea was that this party should be primarily concerned with improving the atmosphere by making personal contacts with Indians and having discussions of a kind which it is difficult for officials to conduct. They seemed to me to be fairly frank in suggesting that the character of the enquiry the Kindergarten would make, was of secondary importance and would be of the nature of a cover story. Sir S. Cripps' suggestion also was that the party should be concerned with the Treaty. If you exclude, as I think you clearly must, all those matters which are to be negotiated between H.M.G. and the new Indian government on an independent basis, i.e. a commercial treaty

[1] See No. 349, note 1.

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covering the position of British business in India, tariffs, recognition of professional qualifications and so forth, the field is restricted to very high policy matters. The major heads of the Treaty would seem to be:

(1) Minority protection (unless otherwise disposed of to the satisfaction of the minorities).
(2) Provision for existing members of the Services to continue in the Service or to be retired, on equitable terms, and provisions covering existing obligations to the Services, e.g. pensions and family pension Funds, so far as they are a Government liability.
(3) Defence arrangements. I am not at all clear myself that this head properly comes under the Cripps Offer Treaty, which is the condition of enacting the constitution, though it may do so because it is linked up with the next heading, i.e.
(4) Continuing obligations of the British Government to the Indian States. The obligations are broadly, external defence of the States, and internal protection against attempts to disrupt the authority of the States by agitation conducted from British India.

All these matters appear to be of the highest delicacy and I would have thought that to send out a party of men not very closely under the discipline of H.M.G. to talk to Indians about them before the constitution-making body reaches conclusions, would be a most dangerous proceeding. The risk would be that the attention of Indians would be diverted from the primary object of agreeing on a constitution or a political settlement, to a new form of the battle with H.M.G. for which they have much more zest than their own troubles. Moreover, all the above items are greatly affected by the character of the constitution itself. (1) may be eliminated entirely if the constitution provides the safeguards for minorities as it ought to do. (2) is a very controversial subject on which it is quite simple for Indians to take a totally negative line, at any rate until responsibility for administration is thrust upon them. (3) depends upon the general extent of our responsibilities under the new constitution, on H.M.G.'s policy as regards world security, to some extent on United Nations and particularly U.S. policy in regard to strategic bases in independent territory, and also on the post-war character of the Indian Army, which is a very technical matter.

Similarly, if these gentlemen were to roam over the field of the freely negotiated treaty on commercial topics, they would stir up a lot of difficult issues prematurely, and they would not be able to deal with any of the people who will be responsible for the Indian side of the negotiations, because we do not know who they are yet.

My own feeling about the treaty is that we should keep off it until a constitution-making body is set up. We should, of course, do preparatory work, but

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should not begin to deal with Indians about it until the first round of the constitution-making body is completed. The Viceroy contemplates that the C.M.B. would have two sessions; the first session would agree on outline proposals. These would then be circulated to provincial governments and State governments for comment and suggestion, and there would be a second session to consider these suggestions. I should have thought the treaty would come up for consultation in the second session, preliminary conversations about it taking place during the adjournment.

F. F. T.

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Sir B. Glancy (Punjab) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/249: f 157

SECRET *16 January 1946*

No. 584.

Relations between the different communities are getting more and more strained. The Deputy Commissioner of Ambala writes that "increasing reports of a deterioration in the communal situation, consequent on the poisonous propaganda of political parties, especially of the Muslim League, are being received from rural areas. One very objectionable type of propaganda indulged in by the Muslim League is to threaten Muslim voters with ex-communication including a refusal to allow their dead to be buried in Muslim graveyards and to debar them from joining in mass Muslim prayers in the event of their voting against the League." Much the same thing is happening in Lahore and other places. Cries of "Jai Hind" are greeted with shouts of "Pakistan".

The conclusion of the first I.N.A. trial and the arrival of the three "heroes" in Lahore gave rise to a continual orgy of extravagant welcomes, speeches and entertainments. The Congress Press has been full of jubilations. One disturbing feature is the attendance of Indian Army personnel in uniform at meetings held in honour of the I.N.A. accused. A prominent Hindu, who is in close touch with the defence counsel, tells me that the most which they expected by way of commutation was that the sentence would be reduced to five years' imprisonment; I do not know to what extent this is true.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/PO/10/18: f 234

PRIVATE *17 January 1946*

115–S. I think I should give you background of long discussion with Mountbatten and Auchinleck on the use of Indian troops in Burma. I pointed out, and they agreed, that exact wording of directive to Commander is of comparatively minor importance; if serious disorders arise and there are Indian troops in Burma they cannot remain neutral. Important point is that His Majesty's Government should realise the disastrous consequences likely to arise from the use of Indian troops in Burma to suppress what can be interpreted as national freedom movement. Such action might in Auchinleck's opinion have serious consequences on morale of whole Indian Army as well as on prospects of political settlement in India. It is therefore essential that His Majesty's Government should so direct policy in Burma as to make uprising unlikely.

2. Both Mountbatten and Auchinleck have, however, profound mistrust of Governor's present policy and think that he is resisting popular forces which will win any election held in Burma. As to this, I have no recent personal knowledge of Burma politics but know the Governor well and have no great faith in his judgment. Without any knowledge of the circumstances I should question his wisdom in refusing permission to delegation from Burma to visit the United Kingdom, (? corrupt group) [? Egyptian] rising in 1919 began by similar refusal.[1]

3. I have thought it advisable to give you this precise information since the matter may be of such importance to our Indian policy. It is essential that His Majesty's Government should state decision at very early date on the whole matter of use of Indian troops abroad.

[1] Late in 1918 the Egyptian nationalist leader Saad Zaghlul Pasha called with a delegation on the British High Commissioner, Sir Reginald Wingate, and demanded independence for Egypt. After Sir R. Wingate had given a non-committal reply, Zaghlul asked for permission for the delegation to visit London and state its case, but this request was refused by the Foreign Office. A similar official request by the Egyptian Prime Minister, Rushdi, was also refused. Thereafter the Egyptian situation deteriorated and widespread disorder followed Zaghlul's arrest on 8 March 1919.

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Lord Pethick-Lawrence to Mr Attlee

R/30/1/6: ff 54–8

TOP SECRET INDIA OFFICE, *17 January 1946*

Secretary of State's Minute: Serial No. 7/46

Prime Minister

I attach a draft of the telegram which I would propose, if you approve, to send to the Viceroy, communicating to him the decision to send out a Mission. It will not of course issue until after the Cabinet decision, but in view of the urgency I should be grateful if you would let me know in the meantime whether it has your approval.

There are a great many questions which will have to be examined in detail by a working party. I think it would greatly facilitate progress if an early decision is reached as to the Ministers who are to go out, so that the officials working on the preparations for the Mission could meet the three Ministers from time to time and by means of such consultation make sure that they are working on the lines required. If this could be arranged it would, I am sure, make for expeditious working, it would reduce the number of meetings of the India and Burma Committee which might otherwise be necessary and would help to prepare the minds of the members of the Mission beforehand. It would also ensure that the material prepared is what they require.

The procedure I envisage would then be for the working party, under the guidance of the three members of the Mission, to work out as fully as possible the way in which the negotiations would be conducted and to prepare notes on particular matters likely to be the subject of controversy. A fairly comprehensive picture of the Mission's course of action could thus be developed and submitted to the India and Burma Committee for approval and discussion there. At the last stage the broad instructions to the Mission could be approved by the Cabinet before they leave.

PETHICK-LAWRENCE

I have of course already indicated to my senior officials, who alone are in possession of the proposals, some of the major matters that will have to be prepared.

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Enclosure to No. 363

DRAFT TELEGRAM TO VICEROY

IMMEDIATE

TOP SECRET

Superintendent Series. My colleagues have considered in broad outline the plan of action and breakdown plan enclosed with your two letters of 27th December.[1] They are grateful for your analysis of situation and at first sight find much to agree with in your memoranda, which provide sound basis for consideration of problems so far as they can be foreseen.

2. But they feel grave doubt about your assumption that stages of negotiation could be kept in watertight compartments. They feel that once discussions with leaders began, even if only in regard to Executive Council as you propose, they would be bound to extend at once to whole field, and that would necessitate most intricate and decisive series of negotiations in which Cabinet conclusions would probably be required from day to day on new issues. They do not see how negotiations could effectively be handled on basis of telegraphic correspondence and they consider only solution is to bring Cabinet in direct contact with day to day discussions. They accordingly propose to despatch a Mission of three Ministers of Cabinet rank (including myself) to Delhi, which would have full authority to decide points at issue. Negotiations would of course be conducted in close contact with you and such of your advisers as you designate. Details of procedure would have to be worked out in consultation with you.

3. As to timetable, my colleagues feel that it would be a mistake to engage on any discussions in advance of election results in Presidencies and U.P. Mission should therefore arrive towards end of March. But they agree with you on necessity for keeping initiative in our hands during critical month after Punjab results. They accordingly propose to issue statement (in terms to be agreed with you) about middle of February announcing decision to despatch Mission to arrive about end of March.

4. Meanwhile they propose to engage on intensive study of problems in light of your proposals and other relevant material with view to providing Mission with as full a brief as possible. I will of course, keep you informed of our provisional conclusions and shall be consulting you on all points where substantial difference from your views emerges or fresh ground is broken.

[1] Nos. 315 and 316.

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Cabinet

Defence Committee. Paper D.O. (46) 6

L/P&S/12/1035: ff 87–9

USE OF INDIAN TROOPS IN JAVA

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

OFFICES OF THE CABINET AND MINISTER OF DEFENCE,
17 January 1946

My colleagues will remember that, at the Meeting of the Committee on 11th January,[1] when the question of an announcement about the use of Indian troops in Indonesia was considered, I mentioned the forthcoming Debate in the Indian Legislative Assembly which is due to be held on Monday, 21st January.

2. I now circulate for the information of the Committee copies of:—

(*a*) The terms of the Adjournment Motions in the Indian Legislative Assembly which are due for discussion on 21st January. (Annex I)

(b) Material for use by the Government spokesman in replying to the Motions in (a) above. (Annex II)

3. The Statement in Annex II has been prepared in consultation with the Foreign Office, and includes a number of amendments suggested by that Department. I understand, however, that it has not been possible to submit the brief to the Secretary of State for Foreign Affairs personally.

4. Copies of the draft brief were sent to the Viceroy by air on 9th January, and the amendments mentioned in the preceding paragraph were telegraphed to him on 16th January.

P. L.

Annex I to No. 364

ASSEMBLY DEBATE ON INDIAN TROOPS IN JAVA

The terms of the adjournment motions so far tabled are as follows:—

(A) To discuss a specific and urgent matter of public importance, namely the using of Indian troops in the bombardment on the 10th November and succeeding days of 1945 of Sourabaya on the expiry of the ultimatum given by General Mansergh to the Indonesians.

[1] No. 348, Minute 4.

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(B) To discuss a specific and urgent matter of public importance, namely, the sending of Indian troops to Indonesia to aid the British in their operations against the Indonesian struggle for independence after the war with Japan had been declared to be at an end.

(C) To discuss a specific and urgent matter of public importance, namely the failure of the Government of India to refuse to co-operate with the British Government in their violent operation in Indonesia and Indo-China even after the war with Japan was over.

(D) To censure the Government of India for permitting the use of Indian troops in Indonesia and Indo-China to suppress the National Government there and to re-establish the Imperialist hold of the European powers.

Annex II to No. 364 (Extract)

MATERIAL FOR REPLY TO MOTIONS ON INDIAN TROOPS IN JAVA

The opportunity is welcomed to correct the prevalent misunderstandings and misrepresentations about the British policy in South East Asia, particularly in Java and in French Indo-China, and the use of Indian troops in those areas.

2. It is necessary for this purpose to recount past events under the inexorable influence of which the present situation has developed.

3. The people of India took a natural and great pride in the fact that the 14th Army, which drove the Japanese army back from the frontiers of India and pursued him through the length of Burma, was 70% Indian.

4. The 14th Army, brilliantly supported by units of the Royal Indian Navy and the Indian Air Force under the Supreme Allied Command of Admiral Mountbatten, was formed, trained and based on India; and this fact and the fact that United Kingdom land forces were fully committed in N.W. Europe, in Italy and in the Middle East, explained why the 14th Army and the other land forces included in South East Asia Command were predominantly composed of Indian units.

5. It resulted, in the circumstances of the world war, that other forces poised to attack the Japanese in Malaya and Sumatra at the time when Japan suddenly surrendered, were similarly composed of a very great proportion of Indian units.

6. The fact that the occupation by Allied Forces of the Netherlands East Indies would take now the form of entry into that territory after the Japanese surrender instead of invasion in the face of armed opposition, did not make it possible to alter at short notice the composition of the forces detailed for that task. It can readily be realised that the preparation of plans for mounting

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operations of this kind involve planning over a considerable period. Nor, if it could have been foreseen what political complications the surrender of the Japanese would produce, would it have been possible to alter the composition of the force whose first task was to take the surrender of the enemy. For similar reasons, it is not now possible to make changes in the allocation of troops which would enable the British-Indian Divisions to be replaced by other forces. Even if other troops were available (which they are not[2]) sufficient shipping to lift the relief formations, with all their stores and equipment, is not at present at the Supreme Commander's disposal. But the latest reinforcements in Java have consisted of one Brigade of British paratroops.

[2] [Note in original:] For, demobilisation apart, Indian troops are being withdrawn from M.E. and Europe (Italy and Greece) their places here to be taken by U.K. troops: and there are fewer U.K troops therefore to relieve Indian troops in F.E. so long as Europe and M.E. need policing.

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General Auchinleck to Chiefs of Staff (via Cabinet Offices)

Telegram, L/WS/1/1008: ff 127–8

MOST IMMEDIATE *18 January 1946, 6.3 pm*
Received: 18 January, 4.50 pm

63 COS. For Chiefs of Staff from Auchinleck.
Reference my GRO 0348[1] of 22nd December 1945, paragraphs first and second.

1. I request despatch to India of three British Bde Gps with object of providing steadying effect during Provincial elections and in period immediately after them. Complete division is not required as Bdes would be used in widely separated areas. One Para Bde would be acceptable in place of one of the Inf Bdes if available. Armoured Bde not required.

2. Composition of each Bde Gp should be

(a) Bde HQ.
(b) One Fd Regt RA.
(c) One Fd Coy RE.
(d) Three Inf Bns.
(e) One Fd Amb.
(f) One Inf Bde Wksp.

Bde and Arty Regt Sig secs and lads should accompany. Request each Bde Hq includes welfare and education staff. Apart from this all other ancillary units required can be provided from resources now in India.

[1] No. 310.

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3. If these British reinforcements can be made available they should start arriving as soon as possible in order to achieve the object given above and the moves completed by the end of March.

4. Details are now being worked out for the phased return of Indian formations from S.E.A.C. to India and I have told Mountbatten at conference held here on 12th January that it would not be politically acceptable for 2 Div (less one Bde Gp detailed for Japan) to be sent to India before the Indian formations no longer required by him. He has agreed that 2 Div (less one Bde Gp) should remain in Malaya and be earmarked as a potential first reinforcement for India in the circumstances outlined in paragraph third of my signal GRO 0348 of 22nd December, 1945.

5. Choice of locations of three reinforcing British Inf Bdes will be from amongst Karachi Ranchi and Poona or Bangalore or Chhindwara depending on situation. Request one Bde routed to Karachi remainder to Bombay.

6. I confirm that most suitable cover plan for reinforcing India with Bde Gps before disturbances begin would be that they were being sent to India for acclimatisation, re-equipping and training before relieving Indian troops in S.E.A.C. It is important that they do in fact leave India for S.E.A.C. after period not exceeding about six months so as not to incur charge of deliberately deceiving Indian public. British troops selected for this reinforcement should be informed before embarking that ultimate destination is S.E.A.C. Financial arrangements will require consideration since cover plan is likely to break down if cost of reinforcing Brigade Groups is known to be borne by India.

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Mr Attlee to Lord Pethick-Lawrence

L/P&J/10/19: f 62

10 DOWNING STREET, WHITEHALL,
18 January 1946

Prime Minister's Personal Minute: Serial No. M.20/46

Secretary of State for India
Your Serial No. 7/46.[1]

I do not think that you can usefully draft a telegram to the Viceroy until after the Cabinet Meeting. Your present draft is much too vague as to the function of the Committee of Ministers.

C. R. A.

[1] No. 363.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/23

PRIVATE AND SECRET INDIA OFFICE, *18 January 1946*
Received: 24 January

Your letter of the 6th January[1] has been rather delayed and I only received it yesterday. I am glad to hear that the Parliamentary delegation made a good start and I hope they are not giving you any trouble. From what I have seen of their utterances in the press they seem to me to have behaved in general with discretion.

2. Richards recently sent to the Prime Minister a telegram saying that Mountbatten had invited some of the delegates to go on to Singapore. We considered this but are opposed to it. We want them all to come back together and, as you know, we do not want them to go to Burma. Nor am I at all anxious that individuals should stay behind or go on elsewhere in India. This would, I think, make the delegation look much purposeful [*sic*] in the public view here and in India and would also be some embarrassment to you and me. The Prime Minister has repeated his reply to Richards to Mountbatten.

3. I agree that your interview with Jinnah is not encouraging. I had already, as I mentioned in my last letter, taken up the question of amending the Act to remove the statutory obligation to have three members of Council who have 10 years' service under the Crown. I have telegraphed to you about this.[2] The intention is to include an amendment in the same Bill as will amend the Act to continue the powers of control of the Centre in the Provincial field for a further period in regard to a limited field of economic matters. We shall have to get this Bill through before Easter in any case and I am pressing on with it as quickly as I can.

4. Casey's letter[3] giving his ideas about the political situation has not reached me yet. I will let you know later what I think of it.

5. I have sent you a brief[4] about Java. I am sorry it has not been possible to meet your desire to say that Indian troops will be withdrawn from active rôles by a given date. I am having another discussion with my colleagues on [this] this afternoon and if there is anything more that can be said in your debate which is likely to be helpful I will telegraph. But I am afraid that so far as

[1] No. 334.
[2] Tel. 1290 of 17 January which informed Lord Wavell of the India Committee's decisions in No. 355, Minute 3. L/P&J/8/525: f 218.
[3] No. 320. [4] See Annex II to No. 364.

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I know at the moment there is not much hope of it being possible to do anything which will be helpful. I will, however, see what Bevin has to suggest. He is fully alive to your difficulties and will, I feel sure, be as forthcoming as possible.

6. We have had a number of impressive functions here in connection with the United Nations Assembly. A State Banquet was given at St. James' Palace at which the King made a most admirable speech and on Tuesday the delegates dined at the Royal Naval College, Greenwich, as the guests of the Government. It was a happy idea to have the dinner there in one of the most damaged parts of London and in a Hall with such old historical associations. I think Mudaliar is doing very well as leader of the Indian delegation, and that he has established quite a name for himself with the other delegates by his work at the previous conferences. I have just had your telegram agreeing to his serving as Chairman of the Social and Economic Council if elected and have passed on your message to him. I very much hope he will be chosen for this post, as it will clearly greatly enhance India's international position if he is.

[Para. 7, on the idea of a loose Federation of Indian Seamen's Trade Unions; and para. 8, on the prohibition of opium smoking, omitted.]

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Cabinet

Defence Committee. D.O. (46) 2nd Meeting

L/P&S/12/1035: ff 77–82

Those present at this Meeting held at 10 Downing Street, S.W.1, on 18 January 1946 at 3 pm were: Mr Attlee (in the Chair), Mr Herbert Morrison, Mr Ernest Bevin, Viscount Addison, Lord Pethick-Lawrence, Viscount Stansgate, Field Marshal Lord Alanbrooke, Marshal of the Royal Air Force Sir Arthur Tedder, General Sir Hastings L. Ismay, Vice Admiral Sir Rhoderick McGrigor

Use of Indian Troops in Java

D.O. (46) 2
D.O. (46) 6

(Previous Reference: D.O. (46) 1st Mtg. Min. 4)[1]

THE COMMITTEE had before them—

(a) a note by the Secretary covering a minute from the Secretary of State for India to the Prime Minister dated 8th January,[2] and an extract from

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a private and secret letter from Lord Wavell to the Secretary of State for India dated 22nd December;[3]

(b) a memorandum by the Secretary of State for India[4] covering the terms of the Adjournment Motions in the Indian Legislative Assembly due for discussion on the 21st January, and material for use by the Government's Spokesman in replying to these Motions.

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS said that Sir Archibald Clark Kerr would shortly be departing for South East Asia Command in order to take part in the forthcoming political discussions between the Indonesians and the Dutch. He was therefore engaged in preparing a draft directive for Sir Archibald Clark Kerr on which when completed, he hoped to obtain the agreement of the Dutch Prime Minister. The timing and form of the announcement that Sir Archibald Clark Kerr was to take part in the political discussions, together with what he considered to be the major arguments that should be used in refuting the Indian Adjournment Motions, he circulated[5] to the Committee as a suggested inclusion for Lord Wavell's speech on the 21st January.

THE SECRETARY OF STATE FOR INDIA said that he had received a telegram[6] from the Viceroy, seeking authority to allow the Indian Government Spokesman in Assembly to say on January 21st that the objections taken in India to the use of Indian troops in Java and their wish for the withdrawal of Indian troops from active roles as soon as possible, had been represented to H.M.G. He had prepared a draft[7] telegram to the Viceroy on the assumption that the Defence Committee had considered and approved the Brief annexed to his memorandum, and including a statement to the effect that H.M.G. had no objection to authorising the Indian Government Spokesman to use words in the sense that the Viceroy suggested in his telegram.

In approving the use of these words, he had made it clear in the draft telegram, that it was most important that the Government Spokesman should be careful to avoid implying that the Government of India had taken one line on this issue, and H.M.G. had taken another, and by so doing, had overruled the Government of India's objections.

In discussion, the following points were made—

(i) THE PRIME MINISTER referring to the latest telegram from the Viceroy, said that he could not agree to the Government Spokesman stating that

[1] No. 348.
[2] Presumably a reference to Lord Pethick-Lawrence's minute 3/46 of 9 January; No. 341.
[3] Presumably a reference to Lord Wavell's letter of 25 December; No. 314, para. 10.
[4] No. 364. [5] Annex I.
[6] [Note in original:] No. 116-S [Not traced in India Office or Cabinet Office Records.]
[7] Annex II.

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the Indian Government had asked for the withdrawal of Indian troops from active roles as soon as possible. A statement to this effect implied that H.M.G. had overruled the Indian Government in retaining Indian troops in Java. He agreed there was a general desire expressed by India to withdraw the Indian troops, but it should be emphasised that Indian troops were being used for a task decided upon by the Combined Chiefs of Staff, and having regard to the circumstances, the use of Indian and British troops in Java was essential in fulfilling our obligations towards the final liquidation of the effects of the Japanese war. He suggested that instead of the phrase "and have asked for their withdrawal from active roles as soon as possible" should be substituted for[8] "the desire expressed for their withdrawal from active roles as soon as possible".

(ii) THE SECRETARY OF STATE FOR FOREIGN AFFAIRS said that he thought the essential point to emphasise to the Assembly was that India's obligations as a member of the United Nations Organisation were no less than that of any other Allied Nation in helping with the problems created by the end of the Japanese war. At the recent Moscow Conference, he had been able to include India as a contributor nation towards drafting the Peace Treaties chiefly because of the argument that India was loyally undertaking her share of the commitments resulting from the termination of the Japanese war. The point to be clearly emphasised was that if India was to take and retain her place 'X' amongst the United Nations Organisation, it was her duty as one of the Allied Nations to help in liquidating the war, and it was essential that India should take her full share in this task if her rightful status was to receive international recognition.

(iii) THE SECRETARY OF STATE FOR DOMINION AFFAIRS said he agreed with the point made by the Foreign Secretary. The explanation to the Assembly should also emphasise that the purpose of using Indian troops in Java was in line with the responsibilities of the Allies towards restoring peaceful conditions in the Far East.

THE PRIME MINISTER summing up the discussion, said that it would be necessary to inform the Viceroy of the importance which H.M.G. attached to the explanation regarding India's peace obligations; secondly, to inform the Indian Government of the suggested statement circulated by the Foreign Office, containing the substance of the announcement regarding Sir Archibald Clark Kerr, and which would also be publicly announced from the United Kingdom on or before Sunday, 20th January. Lastly, it would be necessary to amend the statement referred to by the Viceroy about the use of Indian troops in Java.

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THE COMMITTEE:

(a) Agreed that the text of the suggested statement for Lord Wavell to make in his speech on January 21st, circulated by the Secretary of State for Foreign Affairs at Annex I should be sent to the Viceroy as representing in conjunction with 'X' above, the theme of the reply to the Motions of Adjournment in the Indian Assembly.

(b) Approved the proposal by the Secretary of State for Foreign Affairs that a public announcement regarding the participation of Sir Archibald Clark Kerr in the forthcoming negotiations in Indonesia should be made on or before Sunday, January 20th.

(c) Invited the Secretary of State for India to amplify the proposed draft telegram to the Viceroy at Annex II to include the points made in discussion, and to submit it for final approval to the Prime Minister.[9]

Annex I to No. 368

SUGGESTED STATEMENT FOR LORD WAVELL TO MAKE IN HIS SPEECH ON JANUARY 21ST

The British forces at present in the Netherlands East Indies have been charged by General MacArthur as Supreme Allied Commander with the task of disarming, concentrating and evacuating the Japanese in the Netherlands East Indies and of rescuing Allied prisoners of war and internees. Political tranquillity is essential to the successful accomplishment of this task and the British Government have been anxious to do all they can to promote a settlement between the Dutch and the Indonesians. They will continue to do this and in order to achieve it speedily they have had discussions with the Dutch Government, and Dr. Van Mook is returning to Indonesia to continue further discussions with a view to promoting a settlement. In order to assist in this work the British Government have appointed as a special Ambassador, Sir Archibald Clark Kerr, who will use his experience and knowledge to assist the parties to arrive at a solution.

It is the intention of the British Government to withdraw the British and Indian troops as soon as their tasks have been fulfilled. The British Government therefore hope that all parties in the Netherlands East Indies will assist in restoring law and order and that a satisfactory settlement may be speedily

[8] The words 'should be substituted for' should presumably read: 'there should be substituted'. In tel. 1412 of 19 January 1946 (see note 9) Lord Pethick-Lawrence asked that this passage in the G. of I.'s statement should read: 'We have represented to H.M.G. the objections voiced in India to use of Indian troops in Java and the desire expressed for their withdrawal from active roles as soon as possible.'

[9] This amplified telegram was sent as No. 1412 of 19 January 1946. L/P&S/12/1035: f 85.

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negotiated so that the reconstruction of the country may take place without delay under a peaceful administration.

Annex II to No. 368

DRAFT TELEGRAM TO H.E. THE VICEROY

IMMEDIATE

Your telegram 18th January, No. 116–S.

The brief which has already been furnished to you for use by Government spokesman in Assembly Debate on 21st has now been considered by the Defence Committee and approved by them as the best general lines on which to reply to the Adjournment Motions. It is hoped that he will adhere pretty closely to it in all essential particulars.

2. I realise that in the light particularly of the third and fourth Motions you are likely to be pressed on the point whether the Government of India have represented to H.M.G. the objections voiced in India to the use of Indian troops in Java, and H.M.G. have no objection to your authorising the Government spokesman to use words in the sense that you suggest on this point. It is of course perfectly right and proper that the Government of India should represent to H.M.G. the feeling evoked in India by action taken under the direction of H.M.G. But I am sure that you will agree with me that it is most important that spokesman should be careful to avoid implying that the Government of India have been taking one line on this issue and H.M.G. have been taking another and, in so doing, overruling the Government of India.

3. The spokesman might accordingly be authorised, in dealing with this point, to speak on these lines, *Begins*: H.M.G. fully appreciate the distasteful character of the task which has been imposed by the Combined Staffs of the Allied Nations upon both the British and Indian forces in Indonesia. H.M.G. have from the first regarded this obligation as one that must be brought to an end at the earliest possible moment, that is to say, as soon as the tasks assigned to them by the Allied Command have been carried out. They are no less anxious than the Government of India to be relieved of it. But, for the reasons which have been explained, it is neither possible to fix a precise date for the termination of the invidious duty, or to make any promise that by a certain date other troops will be substituted for the Indian forces now involved. *Ends.*

4. The foregoing passage will no doubt be fitted in by the Government spokesman to appropriate context of a speech based on the brief, and possibly it would best be interpolated in the context of paragraph 20.

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Mr Casey to Lord Pethick-Lawrence

L/PO/11/4: f 163

PERSONAL GOVERNMENT HOUSE, CALCUTTA,
18 January 1946

My dear Lord Pethick-Lawrence,

When Lord Louis Mountbatten was staying the night with us here lately, I had a talk to him about his future activities when he relinquishes his S.E.A.C. Command.

I told him that I believed that he could be most usefully employed in making a tour of a few months each, in each of the Dominions—a series of unhurried visits during which he might visit as much as possible of the settled areas of each Dominion.

As I think you would agree, I believe the closer integration of the British Commonwealth to be a matter of importance and of necessity.

The fact that Mountbatten has the unique combination of having held high military command in war and being a close relative of the King, makes him, in my opinion, an individual of considerable potential usefulness in the British Commonwealth. In addition his wife is a woman of great qualities. I would very much like to see the two of them visit each Dominion in turn, on the invitation of the Dominion Governments. In their respective spheres, I believe they would do a lot of useful and necessary "welding".

Mountbatten said that such a series of visits would appeal to him and his wife a good deal, and that he'd be glad to do it, provided he was asked to do so and that the visits were on the invitation of the Dominions. He said that, in the ordinary course of events, he had no ambition but to return to the Navy.

If you think well of such a suggestion (which, I need hardly say, is entirely a personal one on my part), you might think fit to make it known to the Prime Minister.

I am,
Yours sincerely,
R. G. CASEY

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/P&J/8/525: f 100

TOP SECRET THE VICEROY'S HOUSE, NEW DELHI,
19 January 1946

My dear Pethick-Lawrence,
With my letter No. 592/30[1] of the 27th December I sent a note on the composition of the Preliminary Conference and in this note it was stated that the proportion for the representation of the States in the conference on a population basis would be 9 and that the actual distribution of the seats was under consideration.

2. Corfield has discussed this point informally with the Chancellor. It will be difficult to distribute seats among the States either individually or in groups without giving rise to protest; and the Chancellor was inclined to agree with Corfield that it would be preferable to choose 9 persons in such a way as to ensure that there was satisfactory all-round representation. Corfield thinks this could be done in consultation with the Chancellor nearer the time.

3. The list of 9 persons would include someone from Hyderabad and Mysore, and the selection of the rest would be based on personal qualifications and regional distribution e.g.

Sir Mirza Ismail or Mr. Panikkar	—	Rajputana;
Sir C. P. Ramaswami Aiyar .	—	Madras States;
Sir B. L. Mitter . . .	—	Baroda;
Sir Joseph Bhore . . .	—	Central India;
Sir Sultan Ahmed . . .	—	Chancellor's Secretariat;
Mr. A. P. Pattani . . .	—	Western India;

and someone to represent the smaller units.

4. I think this will be the right way to arrange the representation of the States in the Preliminary Conference.

Yours sincerely,
WAVELL

[1] No. 315.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/23

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
21 January 1946

Thank you for your letter of the 11th January[1] which reached me on the 16th. The outward airmail has been very much quicker lately and I do hope the improvement will be maintained.

2. I will write to you separately as soon as possible about the points you mention arising out of my proposed plan of action. I should prefer to keep the correspondence on this subject separate from the weekly letter if you have no objection. It is more convenient at this end to do so.

3. I will add a postscript to this letter telling you how the Assembly session went on the first two days. I do not know yet whether the Muslim League and the Congress will combine against Government on every occasion. There was a leader in the *Hindustan Times* on Monday, the 21st, which implied that if Government were sensible and did not allow nominated members to vote on the election of a new President, which means of course that the Congress nominee will be elected, proposals for legislation might be treated on their merits. It went on, however, to suggest quite the opposite at the end of the leader where it said: "It is to be hoped that a working arrangement for this session will be arrived at between the Congress and Muslim League parties.... Nothing will be lost if controversial matters are postponed for a moment and both concentrated on making non-official opinion prevail." This article might also have been drafted by Gandhi himself and I cannot tell which of the two alternatives the Congress party will decide to favour. Probably the main motive of the article was the hope to secure a Congress President. I met the proposed Congress nominee at Ahmedabad the other day, and did not much like the look of him, I certainly would not trust his impartiality.

When I talked to Vallabhbhai Patel the other day I asked him to let me know whether the Congress would allow its members to accept a tea party for the Legislative Assembly at Viceroy's House as I should like to meet the members. Patel has consulted the Working Committee and replied the Congress fear it might be misunderstood if they changed at this moment their consistent policy during the last twenty years of avoiding the attendance of Congressmen at such parties. This shows, I think, that any lack of contact

[1] No. 351.

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between the Viceroy and the Congress is not entirely the fault of the former. I shall of course continue my efforts to improve the atmosphere.

4. I send with this letter a note which I recorded after my interview with Patel. It is rather pathetic that the parties will almost certainly find it impossible to pass a resolution thanking the Armed Forces for what they achieved for India during the war.

5. In paragraph 7 of your letter of the 4th January,[2] you mentioned the question of Labour seats in the Legislature. As you know the life of the Council of State has been extended to 1st May 1946, and there is no prospect of a vacancy among the nominated non-official members which could be given immediately to a representative of Labour. I intend to nominate a Labour representative to the new Council but I will write to you later about this. As regards the Assembly, Labour will now have three seats out of seventeen non-official seats at my disposal. They never had more than one before as you know. I had already decided before your letter of the 14th December[3] reached me to nominate two representatives and had intended to distribute the remaining fifteen seats as follows:—

Associated Chambers of Commerce	1
Anglo-Indians	1
Indian Christians	1
Indian Army	1
Sikhs	1
Scheduled Castes	2
One each from the Provinces of Madras, Bombay, Bengal, the U.P., Punjab, Orissa, the N.-W.F.P., and Delhi	8

It was only by eliminating a nominated representative from Delhi that I could find place for a third representative of Labour, and I think you will agree that this is as far as I could reasonably go.

6. The session of the Chamber of Princes went off quite well, and the Princes were more realistic than I had expected. I have no doubt you have seen reports of the declaration made by Bhopal on behalf of the Chamber in regard to constitutional developments in the States.[4] This has been generally welcomed, but Rajagopalachari has made a statement, of which I send by this bag a report, in which he rightly says that the "bill of rights" does not mean complete reform since the Executive in the States will presumably not be responsible to the Legislature. Just before the session Travancore announced reforms, and it has been reported that a local political leader has objected to these as unsatisfactory on the same grounds. Even so a considerable advance has been made, and the Political Department will have to keep the States

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up to the mark in introducing the reforms that have been promised where they are not already in force.

7. Thorne has taken a great deal of trouble in investigating allegations of torture in the Red Fort made by Vidyarthi, a young protégé of Gandhi, about whom Gandhi wrote to me. In order to check the story Thorne took Vidyarthi to the Fort and they were accompanied by Gandhi's son, Devadas Gandhi, the Editor of the *Hindustan Times*. Thorne gave me a vivid description of what happened. At first Vidyarthi seemed quite confident and led them through passages to a room where he said he had been tortured. Both Thorne and Devadas were impressed at this stage. Later, however, when he was asked to point out other places to which his previous statements referred, he was very unimpressive and Thorne became almost certain that his story was false. Thorne thought also that Devadas had probably come to the same conclusion. Enquiries are now being made into allegations by the same man that he was tortured in Nagpur. There is no intention of taking action against Vidyarthi, but it will be a great point gained if Gandhi is prepared to admit that the stories are without foundation. According to the Nagpur police, Vidyarthi was never in Delhi at all, and was in custody at Nagpur at the time when the tortures in Delhi were alleged to have taken place. I think it cannot fail to make an impression that Thorne has spent several hours of his time on a personal investigation of these charges.

8. We have put out a statement of policy on Agriculture and Food.[5] This is, I am afraid, rather utopian in character, but the fashion has been set by ambitious reports like the Sargent Report on Education,[6] and I suppose there is something to be said for declaring what needs to be done even if it is not clear how much of it can be tackled at once. The most difficult point we had to decide in Council was whether it was necessary to consult the Provinces on the terms of the draft. They had agreed in the main to the points that were to be included, and it was strongly pressed by the Departments concerned that consultation on the draft itself would lead to discussions, possibly on mere drafting points, which would hold up publication for months. The statement is worded in such a way as to make it clear that Food and Agriculture are both

[2] No. 331. [3] No. 292.

[4] In the course of his speech on 18 January 1946 while moving a resolution which reiterated the concern of the States for a constitutional solution, the Nawab of Bhopal outlined a list of essential rights which should be guaranteed in States which had not already adopted statutory provisions securing the Rule of Law and a list of essential principles of administration which should be adopted by all States. See *Proceedings of the Meetings of the Chamber of Princes (Narendra Mandal) held at New Delhi on the 17th and 18th January 1946* (Government of India Press, New Delhi, 1946), pp. 20–2.

[5] A copy of this statement is on L/E/8/4473.

[6] A copy of Mr J. P. Sargent's *Post-War Educational Development in India* dated September 1943 is on L/S&G/File 2515 of 1943.

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Provincial subjects and that the policy can only be implemented to the extent to which Provinces agree. I have been trying to get a statement put out for many months.

9. Deshmukh, our High Commissioner in South Africa, is in Delhi, and I have had some discussion with him. He brought me letters from Smuts. Smuts wants to introduce legislation in the Union Parliament which would give Indians representation in the Legislature in Natal and the Transvaal. But, "the question whether representation should be through European or Indian members still remains open for further examination". In the Land Tenure Bill, Smuts proposes to provide for open or free areas in Natal, where ownership and occupancy will be open to everybody, while in the rest of the Province ownership and occupation will be controlled by a Board composed equally of European and Indian representatives under an official Chairman.

The Commonwealth Relations Department here are considering what line we should take in view of the latest developments. But I gather that Khare and Deshmukh fear we shall be no better off from the Indian point of view than we were before the Broome Commission was appointed.

At least Deshmukh is a more balanced and sensible High Commissioner than Shafa'at Ahmed was. Smuts says of him that he is "an able and co-operative High Commissioner whose experience and good work may prove very helpful in our mutual relations".

10. I hope that Mudaliar will be elected to the Chairmanship of the Social and Economic Council of U.N.O. Although he is not personally very acceptable to nationalists here, I think India should certainly be pleased at the fact of an Indian having been elected to the Chairmanship of such an important Council. Though it will not be easy to manage without Mudaliar here until we get a new Executive Council, we can certainly carry on, and Hydari should be quite effective in charge of the Planning and Development portfolio.

11. In my letter of the 22nd October[7] I told you about the setting up of a Co-ordination Committee of Council with a Secretariat under Sir Eric Coates. The Secretariat has already proved its usefulness, and in the last fortnight there has been a conference with representatives of the Provinces, which I am told was most successful and gave Provincial representatives a long-needed chance of getting to grips with the Government of India itself and not merely with one Department or another. Coates is to take over shortly as Secretary of the Executive Council in addition to his present duties, and the Secretariat will then become a proper Cabinet Secretariat, as was always intended. One of the most important functions of the Secretariat will be to co-ordinate the military and civil sides of the Government of India, and as you know, the setting up of a Committee on Indian Defence is under

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consideration. Meanwhile, Coates has a military element in his staff and hopes to send two officers to London to study the methods of the Cabinet Secretariat.

12. Menon has recently been to Orissa and has negotiated a settlement of the Machkund dispute between Orissa and Madras. The dispute related to the use, for purposes of a joint hydro-electric scheme, of the waters of the Machkund, and up till now it had proved very difficult to get the Provinces to agree. The Agreement, which was signed by Advisers from each Province, is subject to ratification by the Provincial Governments, but I hope it will be accepted and have telegraphed to the Governors urging them to ratify it. The scheme will at first cost Orissa something up to Rs. 4 lakhs per year, which is a big sum for so small and poor a Province, but in the long run it should be most beneficial. I am trying to get ahead with the construction of the first dam in the Mahanadi scheme and would like if possible to get Lewis to lay the foundation stone of a dam at Sambalpur before he hands over charge of the Province at the end of March. The finance will undoubtedly have to be found by the Centre, but presumably Orissa will contribute when the profits begin to accrue.

Nepal have agreed to the aerial and ground surveys for the control of the Kosi river, and I am told that the action taken since my inspection of the damage of the river in Bihar has had a good press in that Province. The Kosi problem is a particularly intractable one, but we shall do all we can to find the right solution.

[Para. 13, on the work of a U.K. agricultural adviser in India; and para. 14, on the Indian Art Exhibition in London, omitted.]

15. I do not think it can possibly be true, as was stated in the letter Bevin received, that 88 per cent. of the Bevin trainees are unemployed. I am making enquiries and will write to you further about this. I entirely agree that we should try and keep in touch with these boys.

16. The Princes have not said anything to me about the need of special priority for acquiring aircraft, but I am ascertaining whether anything has been said to Political Department, and will let you know.

17. I hear that the passage situation for passages to the U.K. is again bad as the result of the failure of the R.A.F. to fulfil their trooping programme and of the necessity to move Dutch evacuees from Java. A good many civilians and their wives, and men of the Services have relied on getting passages home, often with their children, at the beginning of the hot weather. They have made no arrangements for accommodation in the hills where there is still overcrowding. I fear there will be a good deal of discontent if a reasonable

[7] No. 157, para. 11.

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number of passages cannot be obtained, and I may have to take this up with you later though I realise the difficulties.

23 January 1946

P.S.—On Monday, the first day of the session of the new Legislative Assembly, the Government were defeated on an adjournment motion about the use of Indian troops in Batavia. The leaders of the Congress Party, Sarat Chandra Bose, and of the Muslim League, Jinnah, both spoke. Jinnah's speech was comparatively mild and in effect asked for a statement of the action taken by the Government of India to meet the public agitation against the use of Indian troops. He would apparently have been content if an assurance had been given either that the Government of India's objections had already been stated to His Majesty's Government or that they would now be stated. Sarat Chandra Bose's speech and another Congress speech by Chaman Lal were very bitter and were to the effect that the imposing of the task by the Allied nations was no justification for the use of Indian troops against Indonesian nationalists. The Allied nations, America, Great Britain, Holland and France were imperialist Powers, but India was a subject Power and her troops should not be used against other subject people trying to secure their liberty. A mandate was needed not from the Joint Chiefs of Staff in Washington but from the Indian people. The whole episode was disgraceful and showed that the Executive Council was useless as an Indian Government, and that the Government of India was subject to His Majesty's Government and had no freedom at all. The Government spokesmen took the line suggested in the brief provided by you, and I understand that the quotations from Dr. Shariar and from the Mayor of Batavia made some impression, though generally speaking the reception of the Government case was hostile and there were some unmannerly interruptions. No admission was made that the Government of India had represented to His Majesty's Government the need to withdraw Indian troops since this would have led up to the query: "What was the reply?" It was, however, stated by Benthall that although the Government of India approved the policy in Batavia they were anxious that Indian troops should be withdrawn as soon as possible.

The I.N.A. adjournment motion has not been moved and the question of the I.N.A. will be taken up on a resolution on the 4th February.

W.

Enclosure to No. 371

NOTE ON INTERVIEW WITH SARDAR VALLABHBHAI PATEL ON 19TH JANUARY 1946

I had half an hour's conversation with Patel this morning. I began with some talk about Ahmedabad, where he lives, which I had lately visited—its buildings,

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its industries and history. We then had some talk of the scarcity of rain in that part of India and of the food situation generally.

2. I spoke of the Indian Army and their achievements, and the reputation and prestige they had won for India in world opinion. I said that I thought it would be only right if the Assembly passed a resolution in praise of the exploits of the Indian Army during the war; but that it would be disastrous if any resolution of this kind led to political controversy and was not carried unanimously and without political issues being introduced. Patel agreed that it would be only right that such a resolution should be passed, but said he feared that in the present temper of the Assembly political controversy might be aroused, and he agreed that it would be better that such a resolution should not be put forward at all than that it should lead to controversy. He left on me the impression that he might consider the matter; but I think it will obviously be better not to consider any resolution unless some move comes from the political parties.

I had mentioned earlier that considering the number of troops that had been in India during the war, British, Indian and American, there had been remarkably few incidents, that discipline had been very good and that the Indian had suffered little at the hands of troops. I said there had been a few regrettable affairs, such as the recent trouble in Chittagong, but that I thought on the whole the behaviour of all troops in India had been extremely good. Patel agreed with this. He spoke in praise of the Indian Army outside India, though he said that the soldiers had been sent without the consent of the Indian people.

3. We passed on presently to the political situation, and the need for a settlement between Hindu and Muslim. Patel at once began with allegations that the British were supporting Mr. Jinnah and the Muslim League, that Jinnah had been allowed to wreck the Simla Conference, that his manners to Azad had been intolerable, and so on. He then went on to make a grievance of the Provincial Legislatures being dissolved before Congress Ministries could take office, and alleged that this had been done at the instance of Jinnah. I combated this and said that Congress had had ample time and opportunity to make up their minds if they wanted to form Provincial Ministries after Simla, and to approach Governors; but that they had shown no sign of doing so, in fact I thought that one prominent Congress leader had said that they had no intention of forming Ministries before the elections. I told him that at the Governors' Conference, which I had held after Simla, it had been agreed that if any approach had been made to Governors for the formation of Ministries they would be accepted; it was only after there was no sign of any intention of the political leaders to come forward that Legislatures were dissolved, as a matter of administrative convenience in view of the approaching elections.

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Patel seemed to be determined to make a grievance of this and [? as] an instance of British support of the Muslims, but did not speak with any great bitterness about it.

He said that he did not see how there was ever going to be a settlement between Hindu and Muslim while the British were in India, and that the British should clear out and leave Indians to settle matters themselves. I said he really could not expect us to leave India to chaos and civil war, and that there must be some sort of settlement. I did not introduce the issue of Pakistan, as the tone of his approach did not seem to favour it, and merely said that it was essential to arrive at a settlement and that it was my business to see that law and order was maintained until some new form of Government was settled. He agreed with this.

4. At his departure I told him that I should like to meet members of the new Assembly and had it in mind to invite them to a tea-party here, but that I did not want to do so if there was likely to be general refusals. He said he was not quite certain about this in the present political temper, but would let me know what he thought about it.

5. He was polite, and certainly quite as friendly as I expected, but obviously uncompromising.

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Cabinet C.M. (46) 7th Conclusions, Minute 1

R/30/1/6: ff 49–52

Those present at this Meeting held at 10 Downing Street, S.W.1, on 22 January 1946 at 11 am were: Mr Attlee (in the Chair), Mr Herbert Morrison, Mr Ernest Bevin, Mr Arthur Greenwood, Mr Hugh Dalton, Sir Stafford Cripps, Mr A. V. Alexander, Lord Jowitt, Mr J. Chuter Ede, Viscount Addison, Lord Pethick-Lawrence, Mr J. J. Lawson, Viscount Stansgate, Mr J. Westwood, Mr G. A. Isaacs, Mr E. Shinwell, Mr Aneurin Bevan, Mr T. Williams

Also present during discussion of item 1 were: Mr P. J. Noel-Baker, Sir Alexander Cadogan

INDIA

Constitutional Position

(Previous Reference: C.M. (45) 56th Conclusions, Minute 3)[1]

THE PRIME MINISTER invited the Cabinet to consider the procedure for the forthcoming Constitutional discussions in India.

As soon as the last results of the provincial elections had been announced (in April) steps would have to be taken to form a constitution-making body

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to determine the new constitution for India. At some point within the next few months it would also be necessary for the Viceroy's Executive Council to be re-formed, so as to make it fully representative of the various political parties in India. The Viceroy had put forward a plan[2] under which he would initiate discussions in two stages. He would start discussions about the re-formation of his Executive Council as soon as the results of the Punjab elections were known, in the latter part of February. Discussions about the constitution-making body would be deferred until April. The India and Burma Committee had considered these proposals[3] and had reached the conclusion that this procedure would have two considerable disadvantages. First, to connect the opening of any discussions with the result of the Punjab elections would inevitably throw the Pakistan issue into the limelight. Secondly, the Committee felt that it would not, in fact, be possible to keep discussion of the two issues in watertight compartments, as Indian politicians would want to know the proposals of His Majesty's Government for the composition of the constitution-making body before they accepted any proposals for the reform of the Executive Council.

These negotiations would be of great importance and complexity, and it was open to question whether it was fair to the Viceroy to leave their conduct solely in his hands. He would have to refer constantly to the Cabinet for guidance on major questions, and this would necessarily limit his freedom in negotiation. Moreover, in the Prime Minister's view, it would be preferable that negotiations about the future constitution of India should not be under-taken by the person responsible for the daily government of India under its present constitution.

The India and Burma Committee had therefore reached the conclusion that it would be wise to send a Mission from this country for the purpose of the negotiations. They thought that the members of the Mission should be of Cabinet rank, in order to avoid embarrassment to the Viceroy. The Mission could consist either of one person or of several. A single member of the Cabinet would, however, be in a very isolated position: he too would constantly have to refer home for guidance: the responsibility of the task would be great and it would hardly be fair to impose it on a single individual.

The Committee had therefore decided to recommend to the Cabinet that three Ministers of Cabinet rank (including the Secretary of State for India) should go to India, to arrive there about the middle of March, to undertake these negotiations. It would be difficult to spare responsible Ministers for this task but the issues involved were so important to the future of India, and, indeed, of the British Commonwealth, that the Committee believed that the course they proposed was fully justified. Before the Mission left, the Cabinet should lay down the broad framework within which they should operate,

[1] No. 244. [2] Enclosure 2 to No. 315. [3] No. 355, Minute 4

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but within these limits they should be given full liberty during the negotiations. If the Cabinet approved the proposal in principle, immediate steps would be taken to draw up a draft directive for the Mission, which would be submitted for consideration by the Cabinet.

In order that His Majesty's Government might retain the initiative, it was proposed that the intention to send out this special Mission should be announced in February, preferably before the results of the Punjab elections were known.

In discussion the following points were raised:—

(*a*) THE SECRETARY OF STATE FOR INDIA said that, if he were to go out to India for this purpose, he would welcome the presence of other Ministers on the Mission. He would hesitate to shoulder the whole responsibility alone.

(*b*) There was general agreement that, if such a Mission were to be sent, it should consist of three Ministers of Cabinet rank.

(*c*) It could be argued that by sending out a team of Ministers now the last diplomatic card would have been played. Might it not be better to keep this in reserve, leaving the negotiations to the Viceroy at the outset and sending out a Ministerial Mission only if the negotiations broke down?

The general view was that all possible steps must be taken to ensure that these negotiations did not fail. If there were a breakdown, it would be almost impossible to retrieve the position. Thus, the balance of advantage lay on the side of entrusting the negotiations to a Ministerial Mission from the outset.

(*d*) If the negotiations failed, the consequences would be very serious. Civil disobedience might start as passive disobedience but would not stop at that. The Indian Army, while not likely to mutiny, might be unwilling to intervene to maintain order and there might be a complete breakdown of the administration. The number of European officers in the administration was now very small.

(*e*) The Viceroy had a high reputation in India, particularly among the Army. It was most important not to give the impression to the public, still less to the Viceroy himself, that he was being by-passed and the negotiations conducted over his head. Moreover, it had, in fact, been announced in the last statement of policy that he would be involved in the negotiations and he had been giving much thought to the subject during recent months. From all these points of view there would be considerable advantage in his being associated with the proposed Mission.

On the other hand, the view was expressed that, if the Viceroy were associated with the negotiations, he would become a target for

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attack by Indian politicians. There was, therefore, something to be said for his remaining outside the negotiations so that in the event of a breakdown his popularity with the Indian public, and particularly with the Indian Army, would be undiminished.

There was general agreement that the balance of advantage lay in associating the Viceroy with the Mission in the negotiations.

(*f*) It might be represented in India that the Ministerial Mission was to take part in the negotiations in order to restrain the Viceroy from concessions acceptable to Indians which he might otherwise have been ready to make. To prevent such an impression being created, was it possible to give beforehand some evidence that the Government approached these negotiations in a liberal spirit? It was difficult to suggest any practical measures which could usefully be taken to this end. The possibility of appointing Indians as Provincial Governors was mentioned, and the Cabinet were informed that this was being kept well in mind.

(*g*) Should the Ministers forming the Mission take with them persons expert in trade union matters or in social or economic affairs, who would be able to make many useful contacts with Indian leaders?

It was suggested that the Ministers appointed might keep this point in mind in selecting personal assistants to accompany them to India.

The Cabinet—

(1) Agreed in principle that a Mission of three Ministers of Cabinet rank should be sent to India, to arrive about the middle of March, to conduct the forthcoming negotiations on the constitutional problem.

(2) Agreed that the Viceroy should be associated with this Mission in the negotiations.

(3) Decided that an announcement about this Mission should be made at an appropriate date in February.

(4) Took note that the Secretary of State for India would arrange for the draft of a directive to the Mission to be prepared forthwith, for consideration in the first instance by the India and Burma Committee, and thereafter by the Cabinet.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: ff 206–7

IMMEDIATE INDIA OFFICE, *22 January 1946, 9 pm*
TOP SECRET

1668. Superintendent Series. My colleagues have considered in broad outline the plan of action and breakdown plan enclosed with your two letters of 27th December.[1] They are grateful for your analysis of situation and at first sight find much to agree with in your memoranda, which provide sound basis for consideration of problems so far as they can be foreseen.

2. But they feel grave doubt about your assumption that stages of negotiation could be kept in watertight compartments. They feel that once discussions with leaders began, even if only in regard to Executive Council as you propose, they would be bound to extend at once to whole field. In view of the overwhelming importance of the outcome of these negotiations both from the international point of view and from that of H.M.G. my colleagues feel that in spite of inconvenience involved they should send a Mission consisting of Ministers (probably three in number of whom I should be one) to conduct the negotiations in association with yourself. This would enable a much greater latitude of local decision than would otherwise be possible and would get over the inherent difficulties in telegraphic communication.

3. As to timetable, my colleagues feel that it would be a mistake to engage on any discussions in advance of election results in Presidencies and U.P. Ministers would propose however to arrive in time to have discussions with you as to the strategy and tactics of the negotiations a few days prior to their commencement and would therefore arrive towards end of March. But my colleagues agree with you on necessity for keeping initiative in our hands during critical month after Punjab results. They accordingly propose to issue statement (in terms to be agreed with you) about middle of February announcing decision to despatch Ministers to arrive towards end of March.

4. Meanwhile they propose to engage on intensive study of problems in light of your proposals and other relevant material with view to laying down for Ministers the general principles on which they should proceed while allowing the greatest latitude in their application. I will of course keep you informed of our provisional conclusions and shall be consulting you on all points where substantial difference from your views emerges or fresh ground is broken.

[1] Nos. 315 and 316.

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General Auchinleck to Field Marshal Viscount Wavell

Wavell Papers. Official Correspondence: India, January 1946–March 1947, pp 17–18

PERSONAL AND SECRET *22 January 1946*

D.-O. No. 80/V-1/46/4

As you are aware the first I.N.A. trial resulted in the conviction of the three accused on the charge of waging war against the King and this finding was duly confirmed, although the sentence was reduced from one of transportation for life in [? to] cashiering and forfeiture of pay and allowances.

There are three other I.N.A. trials now in progress and the charges in these trials had been formulated and communicated to the accused before the promulgation of the finding and sentence and confirmation of the first trial; in consequence in the trials now in progress, the charge of waging war against the King is included in addition to the various charges of brutality and murder.

There is always a possibility in these trials that the charges of murder and brutality may not be proven, but there is a practical certainty that the charge of waging war against the King will be proven and, therefore, that sentence of death or transportation for life will be pronounced on the accused.

This will entail action by me as confirming officer to commute this sentence in conformity with the commutation of sentence carried out by me in respect of those convicted in the *first* trial.

By upholding the finding of waging war against the King in the first trial we have achieved our object, which was, as you will remember, to establish the fact that failure to his allegiance is a crime which cannot be condoned in a soldier, in any circumstances by any Government. Having once established this principle it is, in my opinion, undesirable that I should have to reiterate it by carrying out commutation of sentences awarded in connection with this offence by future Courts-martial.

As I have already said, the charge of waging war against the King has been included in the charges against the accused now under trial and cannot, I think, be withdrawn although if this could be done it would be a desirable course of action to take. However, I do not recommend to Your Excellency that we should take this course of action.

In regard to future trials, however, and it is possible that there may be several more, I propose to drop the charge of waging war against the King and to include only charges of murder and brutality. If the accused are found guilty on these charges it will be clear beyond all doubt that any sentence awarded is in respect of these offences and not in any way connected with the charge of waging war against the King.

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As Your Excellency is aware, sentences awarded by courts-martial, when the accused is found guilty of more than one charge, are awarded in respect of all such charges and cannot be divided or split up as can be done in the civil courts, so as to indicate that one part of the sentence is in respect of one charge and another part of the sentence in respect of another charge.

I feel that if the charge of waging war continues to be included in future trials, and sentences of death or transportation are awarded, the tendency will be for political leaders and the Press to stress the fact that the sentence is awarded in respect of the charge of waging war against the King and to try to conceal the fact that the accused has been found guilty of brutality or murder.

I have taken this decision after most careful consideration and full consultation with Trivedi and the Adjutant-General and other advisers. I trust, therefore, that Your Excellency will concur in it.[1]

[1] In his letter 1141 of 22 January 1946 to General Auchinleck, Lord Wavell agreed that the charge of waging war against the King should be dropped in future I.N.A. trials. Wavell Papers, Official Correspondence: India, Jan. 1946–Mar. 1947, p. 19.

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Cabinet

India and Burma Committee. Paper I.B. (46) 10

L/P&S/12/2639: ff 177–8

Indian Diplomatic Representation in Washington and Chungking

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *22 January 1946*

My colleagues will remember that, at their meeting on 4th October 1945 (C.M. 38 (45), Minute 3)[1] the Cabinet invited the Foreign Secretary to approach the Governments of the U.S.A. and China with a view to securing their consent to the proposal that the Indian Agents-General in Washington and Chungking should be given the status of fully accredited Ministers.

2. Lord Halifax reported in a telegram of 17th November that, in reply to his Note of 28th October asking for the consent of the U.S. Government to the raising of Sir G. Bajpai's status, the State Department indicated that the U.S. Government would prefer to postpone a decision on the question pending the outcome of developments arising from a change in the constitutional status of India. The State Department also explained orally to Sir G. Bajpai at the time that they wished to defer consideration of the matter only because,

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in accordance with their understanding, India was not a country in control of her Foreign Affairs. Sir G. Bajpai demurred most strongly to this statement.

3. In a subsequent conversation with Mr. Byrnes, Lord Halifax expressed his deep regret at the attitude of the State Department and urged him to review the matter sympathetically. The Prime Minister also mentioned the matter to the President during his visit to Washington in November, pointing out the importance which Indians attach to status, and urging a reconsideration of the matter.

4. On 22nd December, the Chinese Government informed H.M. Chargé d'Affaires at Chungking that they agreed to the raising of the status of the Indian Agent-General in China on the understanding that the Chinese Agent-General in India would similarly have his status raised. Instructions were sent to H.M. Ambassador in Washington on 31st December to inform the U.S. Government of this development, and to add that, while H.M.G. were anxious to issue an announcement without delay, they would prefer that the communiqué should also contain a statement regarding the position of the Indian representative in the United States and the U.S. representative in India. The State Department replied on 12th January, declining to alter the attitude adopted in the note of 7th December.

5. In these circumstances, I have suggested to the Government of India that a communiqué should now be issued in London, Delhi and Chungking, announcing the reciprocal raising of the status of the Indian Representative in China, and the Chinese Representative in India.[2]

P.-L.

[1] No. 130.

[2] In tel. 1419 of 18 January, the G. of I., External Affairs Dept. was informed by the S. of S. of the State Department's reply of 12 January. In tel. 777 of 25 January, the G. of I., External Affairs Dept., informed the S. of S. that in view of the reaction of the State Department, it would prefer to defer the announcement of the agreement with the Chinese. L/P&S/12/2639: ff 183, 176.

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Minute by Sir D. Monteath

L/P&J/8/689: ff 6–7

22 January 1946

Mr. Carl Heath's letter and memorandum[1] are, I think, very valuable at this juncture, but their value lies, to my mind, not so much in the constructive suggestions as in the attention which these suggestions by the way they are

[1] No. 356.

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expressed, draw to certain fundamental features of the Indian problem which are easy to overlook and which Mr. Heath has in fact overlooked.

In paragraph 2 of his memorandum he suggests that H.M.G. should announce that it will, "without further delay, recognise the Provinces as autonomous States (as were in effect the Australian Colonies before they came into Federation)". The Australian Colonies were *in fact* autonomous (so far as Colonial territory ever can be autonomous) from the start; that is to say that such powers, legislative and executive, as their Governments exercised in ultimate subordination to the Crown were exercised in an independent manner involving no interdependence and no common dependence to local supervision. It was possible, therefore, for the Australian Colonies to form a true Federation by agreeing to hand over to the new Federal authority such of the powers as they had themselves hitherto exercised independently; and the rest—the residuary powers—they kept and keep to themselves.

The Provinces of British India are an entirely different case. They grew up as arbitrarily formed administrative units through which the unitary authority of the Governor-General in Council was discharged locally; it is for this reason that we still have certain All-India Services, and in time past had a great many more—Education, Forests and so forth. At various stages the Government of India has, by Parliamentary action here, *devolved* certain of its powers to the Provincial Governments, notably in 1909 when a certain exiguous legislative authority was also devolved on the Provincial Legislative Councils formed on an embryonic application of the principles of British Parliamentary Government; again in 1919 when still more powers were devolved to the dyarchical Governments then formed, together with a further dose of constitutional development on the British Parliamentary model. In 1935, a further distribution of functions and powers was made which is probably the final devolution from the Central Government that can be made by an external authority (i.e. the British Parliament) given recognition of the fact that the Government of British India is in origin essentially a unitary Government. This latest distribution, accompanied as it was by the establishment in the Provinces of full Parliamentary institutions and fully responsible Ministries, leaves the Provincial Governments fully autonomous vis-à-vis the Centre in respect of a great many and very important matters; but the residuary powers remain with the Centre and do so not by virtue of having been surrendered to it by wholly autonomous units but by reason of not having, like the rest, been taken from it. And the ultimate Central authority—the Governor General of the Federation—retains certain over-riding authority vis-à-vis the Provinces even in matters in principle vested in them.

The Indian States on the other hand are an entirely different proposition. They *are* autonomous entities which have surrendered to the Central authority in India (previously the Governor-General in Council, but now the Crown

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Representative, who is identical, in practice, with the Governor-General) certain of their natural functions as autonomous States, either by direction of the Central authority, i.e., the Paramount Power, or by Treaty arrangement or by Convention. Such powers as they have surrendered fall within the range of the five heads that Mr. Heath mentions as essentially federal; but the residuary powers do lie with the States.

The Act of 1935 was an almost successful attempt to reconcile the two diametrically opposite processes which had been applied and have to be applied in relation to British India on the one side, and the States on the other, (that is of devolution on the one side and acceptance of surrender of powers on the other) to bring the two incompatible elements to a point of approximation in relation to the Centre which could be regarded as constituting "some form of Federation".

It is not possible to alter history nor, by a stroke of the pen, undo the results of the past; and the facts have to be recognised that the Provinces as now constituted were arbitrarily constituted as convenient administrative units and are not States and that the residuary powers reside in the Centre and not in the Provinces. It was for this reason that the Act of 1935 starts by resuming all the powers held by all the various authorities in British India into the hands of the Crown for the purpose of re-distribution and not into the hands of the Provinces for surrender to the contemplated Federal Government. So far as can be judged by a close examination of this re-distribution in the lists in the 7th Schedule, the process has been taken as far as is possible without setting up a condition of administrative anarchy; for the original possession of all authority, legislative as well as executive, by the Central Government has inevitably built up an enormous corpus of law on the basic conception of the unitary status of British India. To suggest, as Mr. Heath does, that H.M.G. should announce forthwith that it "recognises the Provinces as autonomous States" means nothing; nor is it practicable, except at the cost of a period of administrative anarchy, that "power (by which presumably is meant all existing as well as residuary powers) should be frankly passed over to them" as autonomous.

It is as a result of an appreciation of these fundamental features of the Indian political structure that the working party have been endeavouring to work out a constitutional plan whereby the representation of the Provinces (and of the States) at the Centre should carry a full delegated authority from the units, so that the representatives of the units at the Centre *may agree amongst themselves* whether, and to what extent, the Centre may be stripped of further power for surrender to the Provinces. The position of the States in this plan is more complicated. Analysed, the processes would be that, notionally, they would, by the act of accession, surrender to the Centre all the functions enumerated in the "Federal List"—those, in fact, which have not been devolved from the Centre to the Provinces. Simultaneously, but again notionally, they would

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receive back those functions their reservation of which to themselves, as a condition of acceding at all, was agreed by the Centre; then, in concert with the Provincial representatives they would negotiate and, as members of the Central Legislature, legislate for the transfer back to themselves and the Provinces [of] such additional powers as it may be agreed it is not essential, in All-India interests, to entrust to the Central Government as an Agency Centre discharging, on behalf of *all* units, essentially federal functions.

I apologise for the length of this (almost metaphysical) comment—evoked by the extreme over-simplification by Mr. Carl Heath of the processes suitable to achieve the desired end. It is very dangerous to attempt to deal with any "present stage" of the Indian problem without regard to the past from which it has grown.

I share Sir W. Croft's surprise[2] at Mr. Heath's assumption that it would be possible to announce that, even as a provisional arrangement, H.M.G. should continue to "hold" the five essential Federal powers including Finance.

D. T. M.

[2] Sir W. Croft's minute of 18 January commenting on No. 356 is on L/P&J/8/689.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/P&S/13/998: f 128

TOP SECRET INDIA OFFICE, *24 January 1946*

Thank you for what you have said in paragraph 10 of your letter of the 18th December[1] about the general attitude of Hyderabad.

This is, however, not really adequate for my purpose. When I saw the papers in regard to Chhatari's démarche[2] on the subject of Goa, they seemed to me to raise very substantial issues. I do not dissent from the reply given by the Political Secretary, which is, of course, quite in line with our general policy. At the same time I take it that this ambition of Hyderabad's is symptomatic of the large ideas of the Nizam to which you refer in your letter, as to the future status of Hyderabad in an independent India. What I should like to have to put before my colleagues in the very near future is a review of Hyderabad's probable policy in connection with the coming constitutional discussions. It is an important consideration if the recognition of the principle of Pakistan is likely to lead to a strong demand from Hyderabad for similar independent status as a sovereign State, whether or not in relation to the rest of the Empire. I should like an appreciation which estimates what are the probable developments in this connection: what are the demands which Hyderabad is likely to

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make as the price of coming in to any union; how far we should be likely to be able to meet them; whether, if Pakistan were recognised, Hyderabad would be likely to refuse to enter a union with Hindu India only; and if she stood out of such a union, whether her political cohesion, her economic resources and the prestige and wealth of her dynasty would enable her to stand out for more than a short period—even if she were able to negotiate a corridor to the sea and an outlet at Masulipatam or elsewhere.

I recognise that this is a large request. On the other hand I think that we must turn our minds to the possibilities that we have to face, and I take it that the course adopted by Hyderabad will have a general effect on the attitude of the Princes and might well be followed by others of substantial size, such as Kashmir.

A good deal may, of course, turn on the results of the present consultation between the Hyderabad Government and Monckton, to which I referred in paragraph 14 of my letter of the 4th January.[3] We shall no doubt hear something of this from Monckton confidentially on his return here; but this will only give one side of the picture and I have no doubt that Sir Arthur Lothian is in the best position—with his great experience and his intimate local contacts—to give you the material necessary for an appreciation of the kind I have indicated. If you can let me have it within the next week or two its value will be all the greater.

Yours sincerely,
PETHICK-LAWRENCE

[1] No. 296. [2] See No. 158. [3] No. 331.

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Sir G. Cunningham (North-West Frontier Province) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/223: f 162

CONFIDENTIAL *24 January 1946*

Report No. 2

2. I have heard a good deal of talk recently among British Officers of the deterioration of feeling in India towards the British. Some of the talk seems to me to be really dangerous, and to be likely to induce the very conditions of which people profess to be afraid. I have been on the look-out for signs of anything sinister here, but so far I fail to see any trace of it. Occasionally, anti-British remarks are made at speeches, but I put down 90 per cent of them as being purely electioneering—anti-British remarks being one of the ordinary gambits at public meetings. It is also true that the I.N.A. trial has had some bad

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effect. But, unless my instinct is completely wrong, the feeling among Indian officials—including the police—and non-officials is just as friendly as it has ever been; in fact, probably more friendly than it has been at most periods during the last 30 years. I had a talk at Bannu with one of the most intelligent—and enthusiastic—followers of Congress in the Province. After saying that he was convinced of the necessity of India maintaining Dominion relationships with Great Britain, he was very positive on the need of a strong British element remaining in the Services, Civil and Military. I think this opinion reflects that of most of our Congress Muslims here and, though they may not be representative of India, I have generally found that they take their cue from what Congress friends down-country have told them.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/23

PRIVATE AND SECRET

INDIA OFFICE, *25 January 1946*
Received: 29 January

Thank you for your letter of the 15th January.[1]

2. I was interested in your account of Kasturbhai Lalbhai. Unless I am mistaken I have met him myself in the past and I remember experiencing a feeling of surprise when I discovered that his sister was the local Trade Union Secretary, and a very active one at that.

3. I note what you say in paragraph 3 about the food situation. I have also just received your private telegram, dated 24th January.[2] Ben Smith has throughout been very helpful in regard to India and I do not think he could have got more than he has in the circumstances in his talks in Washington. I sent you last week a full description by separate letter[3] of the background and of course the fact is that we are up against a serious world shortage. I fear, however, that there is little hope of getting another 150,000 tons in the first three months of this year. I am seeing Hutchings this week and we will see what more there is we can do to meet your difficulties, the serious possibilities of which are fully realised. The continued shortage of rain in the wheat-growing districts is very alarming.

4. I have circulated to some of my colleagues what you say in your letter in regard to Wyatt's conversations with Jinnah and Nehru, together with the note of his conversation with Jinnah which you appended. This is, I am afraid, technically contrary to the principle that what you say in these letters

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is private, but I thought that in this particular case you would have no objection. I realise, of course, that what Jinnah and Nehru may have said to Wyatt will have been framed to produce the impression which they wished to produce and does not in any way commit them. I should think that more importance attaches to what Jinnah said than to what Nehru said if only because Jinnah is pretty well a dictator, whereas Nehru when it comes to the point will be subject to the strains and stresses which may develop inside the Congress. On one point I am not very clear and that is whether what Nehru said suggested that there need only be a plebiscite in the border districts only, or in the whole Muslim area, as he appears to have followed this remark by saying that the results of the present election were not sufficient because the Muslims did not know what they were voting for. I am very conscious of the dangers which you emphasised when you were here in August of any sort of plebiscite.

5. Thank you for the figures of the releases of security prisoners in Bengal. Certainly Casey has been able to go a long way and I notice that criticism here on this subject has considerably died away recently.

6. We will do our best to assist Runganadhan in the recruitment for the posts which you refer to in paragraph 16 of your letter. It is, however, the High Commissioner's function to do this recruitment and it is a little difficult for me to intervene unless my assistance is asked. I expect to be seeing Runganadhan before long on another matter and I will then mention to him that if my Office can help at all they will be glad to do so.

7. I see that your forebodings about the attitude of the Legislative Assembly to the use of Indian troops in Java were fully realised. Benthall certainly had a very difficult task. I appreciate, of course, that any political Executive Council is bound to take a strong line on this subject and that their views will probably have to be met. I am taking this aspect up with my colleagues though I have already made the point on previous occasions when we have been discussing the strength of the armed forces and the reductions which will be possible in the present year. It is an extremely awkward situation from our point of view because of the urgent necessity for economy in this country to recover for industry the manpower now in the forces and if this is accompanied by the withdrawal of Indian troops it may be very difficult to sustain our many liabilities overseas. We shall, however, have to be prepared to face it.

[1] No. 357.

[2] Tel. 150-S which warned Lord Pethick-Lawrence that the Indian food situation continued to deteriorate and that advisers from Madras and Bombay had warned there was a real danger of a famine worse than in Bengal in 1943. L/E/8/3329.

[3] Dated 18 January 1946. L/PO/10/26.

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8. I am very glad that you were able to agree to Mudaliar staying here if he were chosen as Chairman of the Economic and Social Council of the U.N.O. and I am glad to see that he has been elected. He made a very good speech in the General Assembly and he has certainly enhanced India's prestige. I am giving a small dinner to the Indian delegation on 5th February as His Majesty's Government have entertained the Dominion delegations, and it seems appropriate to do something for the Indian delegates also.

[Para. 9, on the Indian Art Exhibition in London, omitted.]

10. I saw recently the Annual Report on the working of the Coal Mines Act during 1944. This showed that there had been a very substantial increase in fatal accidents with only a comparatively small increase in personnel.

I realise, of course, that 1944 and 1945 were very difficult years in Indian coal-mines, and that some new labour had to be brought in which was not accustomed to this kind of work. All the same I hope that the question of accidents in mines will receive close attention and everything possible be done to keep the accident rate as low as possible.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram L/P&J/10/19: f 49

IMMEDIATE
TOP SECRET

NEW DELHI, *26 January 1946, 3.10 pm*
Received: 26 January, 12.25 pm

75-S. Superintendent Series. Your 1668 of January 22nd.[1] I welcome proposal that you and two colleagues should come out at the end of March and agree that announcement should be made in mid-February.

2. I presume you contemplate staying here till a satisfactory decision is reached. It would create the worst possible impression if a high-grade mission left without (?achieving) results. I think therefore that you must be prepared to stay for two months or even longer if necessary. If this is impossible it might be better to let me try to get a Council together and if I succeeded for Mission to come out a little later to deal with probable (?breakdown) on Pakistan issue. This would give a little more latitude but difficulties are (a) that date would be indefinite and (b) that breakdown may well occur at Executive Council stage. So best plan under which [?would be] to come as proposed but to be prepared for a long stay. The Princes must come in at preliminary conference stage and discussions will of course have to cover States problems.

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3. My present information is that Congress will take office in all Provinces where they have a majority and do not expect any attempt to form a Central Executive until after Provincial Governments are established.

[1] No. 373.

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Sir D. Monteath to Sir A. Rowlands (Extract)

MSS. EUR. D. 714/71

PERSONAL *26 January 1946*

My dear Archie,

I shall be signing and despatching to you during the day a reply to portions of your top secret letter dealing with the various financial and taxation proposals that you contemplate launching on an astonished Assembly in the next month or two. Towards the end of that letter, you will find a paragraph or so which boil down to acquiescence in the very informal procedure to which we are now reduced by developments in India for the exercise by the Secretary of State of the general control of the Governor-General in Council and the exaction from that person of compliance with particular directions of the Secretary of State, which is provided in Section 314 of the Act. I only mention that here to let you know that that top secret letter and this doctrine about the present-day position of the Secretary of State in relation to the Indian budget have been seen and approved by the Secretary of State. It is a very remarkable change from the days, which I well remember, when a really strong Committee of the Council of India scrutinised the Finance Member's proposals, and indeed made him persistently toe the line.

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Sir D. Monteath to Sir A. Rowlands (Extract)

MSS. EUR. D. 714/71

TOP SECRET AND PERSONAL *26 January 1946*

4. *Submission of Budget.*[1] For a long time, it has been getting increasingly clear that the old practice of officially submitting a complete budget for the Secretary of State's sanction (involving the possibility of rejection or amendment by him) could no longer be reconciled with either the conditions under which a modern budget has to be prepared or the degree of *de facto* devolution of responsibility upon the Government of India which has come to prevail.

[1] In his letter of 3 January 1946, Sir A. Rowlands asked Sir D. Monteath whether the India Office was expecting a formal submission of his tax proposals. MSS. EUR. D. 714/71.

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Grigg tried a system of informal consultation well in advance, but this broke down, mainly under the embarrassment caused at both ends when the formal proposals differed from what had been preliminarily agreed or aroused unexpected difficulties in the wider circle which, at the formal and final stage, had to become involved. More recently the budget has never come home in time to permit of really effective scrutiny here, and in the last three years the Secretary of State has not even purported to "sanction" it. (Indeed, last year no official communications passed.) It is obviously very unsatisfactory that the Secretary of State should formally sanction something which, in the circumstances, he has no effective power to alter, and which in detail he does not now really control.

5. In short, the day has gone when, at the last moment, the Government of India could properly or usefully be required to submit a complete budget for approval by Whitehall. The Secretary of State remains responsible to Parliament for the Government of India's budget as for other major activities of theirs, but for the practical reasons outlined above he can no longer discharge his responsibility in the same direct manner as of old. He has to rely on the Government of India, and in particular the Finance Member, to be mindful of his position and to consult him in good time on any important aspects in which he is likely to feel concerned. If the Secretary of State, for his part, has positive suggestions to make as to the budget, the obvious course (as followed in regard to the 1944–45 budget) is for him to make them to the Government of India some two or three months in advance. Apart from this we should, of course, always wish for the fullest possible informal contacts at the formative stage, in case points arise on which we should like to make suggestions, and this would cover advance information about the estimates themselves as soon as they have reached a fairly complete and reliable form. But formal submission at the very last moment, such as would be necessary this year, in view of the decision as to consultation with Council, would be meaningless, and indeed would put the Secretary of State in a false position.

6. I ought, perhaps, to emphasise that in the two preceding paragraphs I have been dealing here with approval of the budget as a whole. Special measures will, of course, always be necessary where the nature of particular proposals is such that prior consultation between the Government of India and His Majesty's Government, e.g. as contracting parties to trade agreements, is required (c.f. 3 (10) and (11) above if not also (7)).[2]

Yours ever,

D. T. MONTEATH

[2] Para. 3 (7), (10) and (11) of this letter commented on those of Sir A. Rowlands' budget proposals which related to the rate of duty on capital equipment, the surcharge on cotton piece goods and the reviving of an excise on cotton piece goods.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/12/2: ff 229–34

TOP SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 341/9 *27 January 1946*

My dear Pethick-Lawrence,

In my telegram 10-S.C.[1] of the 10th January I promised to let you have a note about the War portfolio. I am afraid there has been some delay, as Auchinleck's original proposals covered the long-term issue, but he has now let me have his proposals as regards the interim period, and both are stated in the note which I enclose.

2. I accept Auchinleck's views, and I think that under the present constitution it will be possible to hand over the War portfolio to an Indian. The Commander-in-Chief will still have great authority, and I should have no hesitation in using my powers in the unlikely event of it being necessary for me to do so. It would not be true to say that British troops were serving under a completely Indian Government since I should be the head of it and still responsible through you to Parliament.

3. I should be in constant personal touch with the Commander-in-Chief, and this would ensure that I was informed of everything important that was going on. I should also invite him to Council when necessary, though of course he would not attend as a Member but only as an expert adviser.

4. The first paragraph in the short-term proposals refers to a Defence Committee. The full details about this have been given in a letter from Coates to Mayne.[2] The object of the War Committee (paragraph 2 of Part I of the note) is to ensure so far as possible that important matters are dealt with by the War Member in the presence of his advisers. It would be embarrassing if the War Member made himself inaccessible and rejected or modified proposals without giving an opportunity for discussion.

5. I think I could get these arrangements adopted without any serious objection on the part of the new Executive Council; and section 40 (2) of the Ninth Schedule gives me power to make rules of business.

6. Auchinleck and I may have further suggestions to make when the proposals of the Reorganisation Committee are examined.

[1] No. 345. [2] Not traced.

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7. The long-term proposals are being taken into account by Sir B. N. Rau who is doing preparatory work on the Treaty.

Yours sincerely,
WAVELL

Enclosure to No. 383

NOTE ON THE WAR PORTFOLIO

Part I—Interim period under the present constitution.

A Defence Committee for India will be set up as soon as possible consisting of the following:—

H.E. the Viceroy (Chairman).
The War Member.
The Commander-in-Chief (when he is no longer War Member).
The Finance Member.
The Home Member.
The Supply Member.
The Transport Member.
The Member or Members for External Affairs and Commonwealth Relations.
The Principal Secretary, Finance Department.
The Secretary to Council.

(This has already been approved).

2. A Committee which might be known as the War Committee should be set up under War Department under the Presidency of the War Member. The Members should be—

The Commander-in-Chief.
The Secretary, War Department.
The Financial Adviser, War and Supply.

It would be the duty of the Committee to consider all important questions of policy before decisions are reached or recommendations made to higher authority.

3. It would be understood—and I think an agreement on this could be secured without difficulty—that the War Member would bring to the notice of H.E. the Viceroy at the request of the Commander-in-Chief any important matter on which he (the War Member) and the Commander-in-Chief were unable to agree.

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Part II—Long-term proposals.

The main items on which decisions will be required with regard to the employment of British units and personnel fall broadly under the following heads:—

(i) British units forming part of the Commonwealth Strategic Reserve, if there should be such a reserve in India.

(ii) British units and personnel loaned to the Government of India to assist Indian Armed Forces in the local defence of India, and serving under their control.

(iii) British personnel, both officers and other ranks, belonging to the Indian Armed Forces.

2. *British units forming part of the Commonwealth Strategic Reserve.*

Should H.M.G. request and the Government of India agree that British Forces should be stationed in India as part of a Commonwealth Strategic Reserve, such forces should be under their own commanders who would be appointed by H.M.G. and be responsible to H.M.G. either directly or through the C-in-C Army or A.O.C-in-C Air Forces in India as might be mutually agreed between the two Governments, so far as training, establishments, promotions, postings and equipment are concerned. The strength of these forces and all financial arrangements would be matters for agreement between the two Governments, and the forces would be at the disposal at all times of H.M.G. and would not be available to the Government of India except as may be provided for in any agreement or as might be arranged with H.M.G. to meet any particular contingency. Such forces must be subject to the orders of the Supreme Commander, India, in respect of service discipline. For local administration also they should be under the orders of the Supreme Commander. It must be anticipated that the Government of India will require that these forces should be subject to the ordinary jurisdiction of the civil and criminal courts to the same extent as British troops in India are at present.

3. *British units and personnel loaned to the Government of India for service with the Indian Armed Forces and serving under their control.*

Should the Government of India request the loan of British units and personnel to assist in the local defence of India and H.M.G. agree to the request, they should be under the command and administration of the Supreme Commander in India and at the disposal of the Government of India. Though there are difficulties inherent in placing units and personnel of the British Armed Forces under a Government which will not be responsible to the British Parliament, there seems to be no practical alternative. The real safeguard will be provided by the fact that the terms of employment of such units serving the Government of India must be determined by a treaty or an agreement between the

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two Governments. Such a treaty or agreement should define clearly the conditions of service of these units and personnel, including representation on headquarter staffs, and also the circumstances in which they should or should not be employed in certain contingencies, such as internal disturbance or wars in which H.M.G. in the United Kingdom may not be involved. It is not practicable to require a reference to the Governor General in every instance before British forces or personnel are so used, and it will be necessary to rely on the terms of the relevant treaty or agreement within which the forces could be used without reference to the Governor General.

4. *British personnel, both officers and other ranks, in the Indian Armed Forces.*

The creation of an autonomous Government of India involves a radical change in the conditions of service of British officers holding regular commissions in the Indian Army and the Royal Indian Navy. If the future Government of India desire to retain them and the officers themselves are willing to continue in its service, it will be necessary to protect them either by a treaty or by an appropriate provision in the Constitution Act. Equally, if the Government of India do not desire to retain them, or the officers themselves elect not to continue in its service, they should be given the option of transferring to the corresponding British Service, or where this is not possible, suitable retiring terms. Similar arrangements for British other ranks serving in the Indian Army will also be necessary.

5. The machinery by which the responsibility of Parliament for British forces and personnel can be secured should be based on Commonwealth rather than Egyptian precedents. If an autonomous Government of India wants British forces and freely negotiates an agreement for their location and use in India, it must be assumed that such agreement will be faithfully observed and it must be anticipated that the Government of India would give the necessary facilities to H.M.G. in the United Kingdom to keep itself fully informed of all matters affecting such forces. The machinery might take the form of Military and Air Force officers attached perhaps to the staff of a British High Commissioner in India. British personnel have served before now with various Dominion Forces and presumably under Dominion Governments so it would not seem that any new principle is involved. As regards the suggestion by the Secretary of State for India that an agreement might be reached under which British forces serving with the Indian Army would not be used for any purposes whatever without the assent of the Governor General in his discretion, it is difficult to imagine any such solution proving acceptable either to one of the present Dominion Governments or to a future autonomous Indian Government. Furthermore, an arrangement of this kind would tend gravely to prejudice the relations of trust and confidence which should obtain between the

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Governor General and his ministry when India achieves Dominion Status. The relations between the Supreme Commander and the Defence or War Minister would also be affected because it would be the duty of the former to require that his views on relevant matters should be placed before the Governor General in order to enable him to act in his discretion whenever necessary. Whatever arrangement may be reached would require to be clearly defined in a treaty or agreement.

6. Parallel with issues arising out of the employment of British Forces under the Government of India are those involved in the employment of Indian Forces by H.M.G. in the United Kingdom. At present twelve Indian Divisions are employed by H.M.G. ex-India. It is possible that H.M.G. will desire to use Indian troops to garrison territories under their control as has happened in the past. When normal conditions return and under any integrated Commonwealth Defence plan, such an arrangement might be in the interest of the Government of India. An autonomous Indian Government will, like H.M.G., be concerned to safeguard the interests of their forces and it may be taken as axiomatic that the principles acceptable to H.M.G. as governing the employment of their forces in India will be the minimum which a future Government of India will accept in relation to Indian forces employed outside India.

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Pandit Nehru to Sir S. Cripps[1]

L/P&J/10/59: ff 42–4

PERSONAL ANAND BHAWAN, ALLAHABAD
27 January 1946

My Dear Stafford,
I received your letter of December 12th[2] some time back when I was at Karachi, I have been continually touring about and have not been keeping too well. I have only just returned to Allahabad for a few days' rest.

There was another reason for some delay in answering your letter. You asked me to tell you how I pictured matters developing after the elections. Also what action I would lay down to be followed after the election, if I happened to be the Viceroy. These questions could not be answered casually and I wanted to return home and have a little leisure before I sent a reply to you.

Of course the obvious answer [is] that I would not be in the Viceroy's position,

[1] A copy of this letter was sent by Sir S. Cripps to Lord Pethick-Lawrence with the note: 'S. of S. India: This will interest you.'

[2] Attempts to trace this letter have not been successful.

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or rather that, even as Viceroy, I would not have followed the line of action which has landed the Viceroy and the British Government in their present position. But that is not a good enough answer. Am I then to trace past events and criticise them? That might help a little in developing an argument but not in suggesting a solution. Yet some reference to past events seems necessary, although you are sufficiently acquainted with them.

In every country there are a number of forces at work and they usually succeed in establishing some kind of equilibrium, stable or unstable. For the moment this equilibrium represents the balance of forces. It is a changing equilibrium. In India a certain dominant external force—the British Power—prevented, for more than a century, the internal forces from establishing an equilibrium between themselves. Their growth and interaction were limited and arrested and an artificial façade was imposed upon the country. Because of this arrested growth, problems piled up and could find no solution. Many relics of past ages continued which would normally have been swept away. It is these relics that constitute some of our most important problems today.

British policy, in order to maintain British rule, was inevitably one of balance and counterpoise, one of preventing unity and encouraging fissiparous tendencies, and one of protecting and strengthening the reactionary elements in the country. Even when British policy spoke a different language, it functioned in much the same way, for its agents in India did not change or think differently. The final word in practice lay with these agents and they continued to represent the old style imperialist authoritarian tradition. Because of this, British policy could not really change; it wobbled occasionally, spoke in two voices, postponed and procrastinated, and meanwhile carried on in the old way. This old way was essentially one opposed to the progressive and vital forces in the country and of encouragement to every tendency which was reactionary and obscurantist. Incapable of solving any of India's urgent problems, it relied more and more on persons and groups who were usually corrupt and chiefly interested in opposing change.

In pursuance of this policy, separate electorates were introduced, the seed of the poisonous tree that has grown now to poison all our national life and prevent progress. With the growth of the national movement, the British Government and its agents intensified their support of separatist tendencies. In particular they encouraged the growth of the Muslim League. All other organisations were more or less swept away by the Congress, only the League remained and so the League was helped in a variety of ways. Even today in the elections many government officials are actively helping the League candidates. The voters' registers were prepared and manipulated in such a way as to favour the League and large numbers of bogus names were intrdouced. In Benares we have the remarkable instance of more names on the Muslim register than there are Muslim inhabitants in the city.

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During recent years (war years) Linlithgow and Co., much as they disliked Jinnah, still did everything to help the League. Your proposals made in 1942 on behalf of the War Cabinet, acknowledging the right of secession, gave a tremendous fillip to the League's demand for Pakistan and increased its prestige. Last year's Simla conference failing because the Viceroy accepted Jinnah's veto, also led Muslims to think that the League, supported by the British Government, was too powerful to be opposed by them.

As a whole Muslims are politically backward, with no sufficiently developed middle class and hardly any notable leaders, with the exception of Jinnah. They can be more easily moved by a religious cry than the Hindus. There has been scandalous corruption wherever Muslim League Ministries have functioned. There is no doubt that the League is at present the most powerful organisation amongst them but the way this has been built up is strikingly similar to the Nazi technique. It has no constructive approach or objectives and its leaders have openly said that they base their appeal on hatred. There has been and is plenty of hooliganism and violence against political opponents. Pakistan as such is hardly understood or appreciated by most members of the League; it is a sentimental slogan which they have got used to. There is at the same time a definite revolt against it among Muslims and I believe this is growing. It is impossible to say how many think this way. Generally upper class Muslims are for the League with a mass following. The Shias are against it, so is the Jamiat, and most of all, though weak and unorganised at present, the Momins or the weaver and artisan class, which is a kind of depressed class among the Muslims. The Momins have definitely begun to think along class lines and resent the upper class leadership of the Muslim League.

During the past five years the League has had a clear field in India. The Congress was almost continually under ban and in prison. We have thus had no approach to the Muslim masses and they have been fed by lies both by the League and Government propagandists. I presume you know how the Congress has been slandered in England and America by British spokesmen and the most obviously false things said about it. During the last three months we have again started approaching the Muslim masses and the results have been remarkably encouraging. Probably they will not affect the elections much as we have not had enough time. But they are laying the foundations of solid work among the Muslim masses which will make a difference before very long.

I shall not prophesy the results of the Provincial elections. We shall know them soon enough; the Assam results are just out. It is clear that so far as the general seats are concerned the Congress is in an unassailable position. No other organisation counts. That applies largely to the scheduled classes seats also. Leaving out the Muslims for the present the Congress represents today practically all sections of the Indian people as it has never done previously. Among the Muslims it has a strong core and there are others who support it. But it is

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true that the Muslim League still commands the great majority of Muslim votes. In the elections the Congress will win some Muslim seats on the direct Congress ticket, other seats will be won by Nationalist Muslims co-operating with the Congress, but the majority will go to the Muslim League. Even in these last named, there will be a considerable minority voting against the League.

In the result there is likely to be a Congress majority in 8 provinces, that is, in all except Sind, Punjab and Bengal. In none of these three will there be a clear Muslim League majority nor can there be a purely Muslim League government in any of them. Some kind of coalitions are likely to be formed in these three. The Muslim League has alienated all other groups and it may find it difficult to form a coalition. In Sind the Congress might join a coalition.

Elections and their results apart, there is extreme tension in the country, a sense of intolerable strain, and an overwhelming urge to change the present government in the centre and the provinces. Elections have somewhat held people in check but as soon as these are over, events of their own motion, will march swiftly. They can be controlled by definite policies being laid down and acted upon leading to swift change. Delay might well lead to disastrous consequences. What happened in Calcutta two months ago and what is happening in Bombay now are significant signs of the fires below the surface. A spark lights them. In a sense the Congress represents these forces but they are stronger than any organisation and can be controlled only to a limited extent and provided conditions are favourable.

Jinnah appears to be wholly intransigent and threatens bloodshed and rioting if anything is done without his consent. It is impossible of course to hang up everything simply because Jinnah does not agree. (That is what the British Government has done so far with very unfortunate consequences. But this cannot be repeated.) I do not think there is much in Jinnah's threat. The Muslim League leadership is far too reactionary (they are mostly landlords) and opposed to social change to dare to indulge in any form of direct action. They are incapable of it, having spent their lives in soft jobs. If it is once made clear that violence on their part will not help them at all, they will subside. But it is very likely that there may be riots, especially in the U.P., probably encouraged by local officials and the police who want to discredit the Congress. There will be no real strength behind them. Even if there was some strength it is impossible to hold up everything for fear of them. The other consequences are of graver import.

The British Government has to decide once for all its policy in regard to this matter. It can no longer sit on the hedge. It cannot force Pakistan on India, in the form demanded by Jinnah, for that certainly will lead to civil war. Jinnah's demand included Assam, Delhi, the whole of the Punjab and Bengal, the N.W.F. Province, Sind, Baluchistan. By no stretch of imagination can

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Assam, Delhi, and large parts of Punjab and Bengal, which have a non-Muslim majority, be included in Pakistan. Probably even in these elections the N.W.F.P. will declare against the League. Even if the Muslims as a whole support the League and Pakistan, that can only mean a division of both Punjab and Bengal. Jinnah has indignantly rejected this. What then? Compulsion of other areas to join Pakistan? That is inconceivable and impossible. Thus the crux of the Pakistan issue is this: A Pakistan consisting of only part of Punjab and part of Bengal, or no separation at all.

As a matter of fact the question of Pakistan or separation cannot be considered apart from the question of defence and allied subjects. At any time this could not be ignored. In today's context with trouble brewing in the Middle East, this becomes a paramount consideration, for without proper defence there is no security for either Pakistan or Hindustan. Even if there were two separate States they would have to evolve a joint scheme of defence. Defence includes foreign affairs, communications etc.

From the point of view of defence there can be no real Pakistan, that is an independent State. Even if separated it could not continue independent. At the same time we have to consider a widely felt sentiment in favour of it and sentiments cannot always be ignored. I do not think it is deep and the consequences are not realised. Indeed no one knows what Pakistan is. It is worth remembering also that the Pakistan sentiment is strongest in provinces which can never form part of a Pakistan. It is weakest near the frontier regions, and weak also in Punjab and Bengal. A vote for the Muslim League is no vote of Pakistan. It is only a vote for a popular organisation which represents a certain solidarity of Indian Muslims.

I suppose you know what the Congress has proposed from time to time to solve the communal problem. It has stated that there should be a federation of autonomous units with a certain minimum list of compulsory common subjects. These have not been enumerated but presumably they will be defence, foreign affairs, communications, currency etc. In addition there should be an optional list of common subjects which can be agreed to or not as the federating unit desires. This gives the maximum of freedom and self-reliance to the units and a sense of functioning as they will. Further there can be any number of safeguards for minorities etc and finally a supreme court should be empowered to protect minority rights. Finally if a definite area expresses its will clearly in favour of separatism and this is feasible, no compulsion will be exercised to force it to remain in the Federation or Union. But it cannot take other areas away with it against their will, and there must be a clear decision by plebiscite of all the adult voters of that area. I cannot imagine any more generous and far-reaching offer. Yet Jinnah refuses both the plebiscite and the demarcation of the area according to the wishes of the inhabitants. It seems clear that he is not after Pakistan but something entirely different, or perhaps he is

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after nothing at all except to stop all change and progress. As a matter of fact it has become increasingly clear that Pakistan is just a fantasy which cannot be realized in the present context of India and the world.

This is the background. I fear I have written at length and yet not as I would like to have done. For the problem is not one so much of logical analysis as of psychological appreciation. Deep passions are at work and they must be understood and appreciated before that situation itself can be understood. What I have found wholly lacking in statements and speeches made in London is this psychological approach. Apart from the long past history of India and England, the past six years of war have had a powerful effect on shaping the Indian mind and new forces are at work, which I can understand but not easily fathom. The astonishing reaction of the country to the I.N.A. trials was very significant. Perhaps I have a deeper understanding of Indian happenings than most people even in India, for I have made myself receptive to India's moods. And yet I feel sometimes that I am rather out of date. To ignore these deeply significant changes in India as well as the passionate fervour which underlies them is to misjudge everything. Any action based on this lack of judgment is likely to be wrong and to lead to unhappy results. It is not enough to wish well and to be conscious of one's own rectitude.

What then is to be done? The first thing is for the British Government to declare in the clearest terms possible that they accept the independence of India and the constitution of free India will be determined by India's elected representatives without any interference from the British Government or any other external authority. The constitution-making body will be constituted on a wide franchise and will have final authority. The future relations with England will also be determined by this constitution-making body and representatives of this body and of the British Government will meet to consider problems of mutual concern which arise when a transfer of power takes place. If in regard to any such matter there is no agreement this can be referred to an impartial tribunal. But the question of independence itself cannot be referred to any external authority and must be settled by the Constituent Assembly itself.

Further that the British Government should declare that it considers any division of India harmful in India's interest, as well as in the interest of any party or religious group. Also that it would weaken the defence of India at a time when defence is a paramount necessity. Without full security there can be no progress, or solution of India's urgent problems. The British Government cannot therefore encourage any division of India. This matter must be decided by the people of India themselves. It is desirable however that the fullest autonomy should be given to the constituent units of the Indian Federation and every safeguard provided for the protection of minority interests. Defence and allied subjects would in any event be common subjects. There may be a further provision that if the inhabitants of any territorial area are clearly of

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opinion, as ascertained by a plebiscite on a specific and defined issue, that they wish to separate, then they should be allowed to do so, subject to feasibility and the avoidance of any compulsion on any group, within a well-defined area, which does not want to separate. Also, even so, the problem of defence must be tackled together. Thus in the event of separation, defence should still be common, and the lines of demarcation should be such as to keep, as far as possible, those who want to separate and those who do not want to do so, apart from each other. This would particularly apply to Bengal and Punjab.

Obviously difficulties will arise if the N.W.F. Province does not want to separate and northern Punjab wants to do so. This would make Pakistan almost impossible. I am personally convinced that if it was once made clear that the British Government would in no way encourage Pakistan, this agitation would lose its force rapidly.

Apart from a general declaration by the British Government in favour of Indian independence and their readiness to hand over power to elected representatives of the Indian people, two immediate questions arise: the formation of a constitution-making body and the establishment of a provisional central national government. Both these are essential. In both these the less interference there is from the British Government the better. Probably the easiest and the fairest way to deal with the situation is to ask the newly formed Provincial Governments to confer together and make suggestions. This avoids dealing with parties as such. It is highly likely that all Provincial Governments will co-operate in this task. If, by any chance, any one of them does not wish to do so, it can stay out. Both the Constituent Assembly and the provisional Central Government should thus be formed in accordance with the suggestions of the elected Provincial Governments. This provisional Centre, though functioning more or less within the existing constitution, should in practice not be interfered with by the Viceroy or the British Government. It will be replaced by the new government of free India as soon as the constitution framed by the Constituent Assembly comes into effect. There is no reason why all this should take more than a year.

If these steps are taken new avenues open out for peaceful change and progress. But it is essential that no interference should take place on the part of the British Government or their agents in India, and there should be the conviction among the Indian people that they can at last work out their own destiny.

If such an approach is made I do not think there will be or can be any real trouble instigated by the Muslim League. There may be some petty riots in some cities. In effect even their demand for so-called self-determination is conceded, but not in the fantastic way demanded. Once it is realised that the people of India themselves have to decide finally, they will look to each other and not abroad and will try their utmost to pull together and to come to agreed conclusions. The alternative to that is conflict and no one wants that.

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I have not referred to the States. I am convinced that the States offer no great difficulty provided only Pakistan is not in the picture. If there is still Pakistan as a possibility this will frighten away some States from joining the Indian Union and enable some others to raise objections and make excuses. All of them, I think, (barring perhaps Hyderabad) realise now that there is no future for them except as autonomous units of the Federation. Of course only the larger States—probably a dozen or at most twenty—can form such units. The others must be absorbed in the provinces or amalgamate together to form a big enough unit. The states must have the same or similar democratic liberties and forms of administration as the Provinces. Only such States can be admitted into the Constituent Assembly and the new Federation. Representatives from the States will have to be more or less on the same basis as from the Provinces.

I have written at far greater length than I intended to and yet I have written under pressure of time. If I had some leisure I would have been more concise. But anyway what I have written will give you some idea of how my mind is working. All my colleagues do not think exactly like me but I think that our main conclusions are much the same. Indeed I would say that politically thinking India, Congress or non-Congress (apart from the Muslim League) thinks more or less on these lines, with one big exception. That exception consists of a considerable number of young men and women who are convinced that only out of a big struggle can something worthwhile be achieved. They have hardened and they represent the prevailing sentiment of the Indian people. And so if anything untoward happens there is immediately a flare-up. If a way out to independence in the near future, with recognition of it and an approach to it now, is opened, then it may be possible to control the situation in India and proceed peacefully and co-operatively. Otherwise events take the reins and go ahead leading to what I do not know.

It is this emotional and psychological aspect of the Indian problem that is so vitally important today. It can only be apprehended by outsiders imaginatively and with sympathy for a long-suffering people who have long endured frustration and repression. That imagination has been wholly absent in the past, and so much has been said and done that has hurt the Indian people and scars remain. Apart from happenings in India, Indonesia and Indo-China have created intense bitterness and a conviction that nothing can be expected from the British Government. The gulf has never been so wide and it will not be easy to bridge it. Yet perhaps it can be bridged even now with a great effort.

At any rate I hope so and work to that end. But if conflict comes, obviously I shall be in the middle of it, for I stand with my people. I stand by them because I believe them to be right on this issue and because I cannot desert them when they are facing dangers and difficulties. But I want to avoid conflict for it is a terrible waste of national energy and it leaves a bad legacy. I have spent enough of my life in conflict and during the years that remain to me

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I want to build and not to destroy. Everything in India cries aloud for constructive effort, and yet the way to it is barred. Once it is opened, and it can only be opened by independence, then we shall jump ahead.

Forgive me for this infliction. I have hesitated to write to you on these issues, but, since you asked me, I felt I had to do so.

I have met some of the members of the Parliamentary Delegation and hope to meet them and others again before they return.

Yours,
JAWAHARLAL

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Cabinet

India and Burma Committee. Paper I.B. (46) 14

L/P&J/10/19: f 46

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *28 January 1946*

I circulate for the information of my colleagues the Viceroy's reply of the 26th January[1] in which he welcomes the proposed Mission to India.

I have been informed separately that an Indian newspaper published on the 26th January a report that I, the President of the Board of Trade and the Parliamentary Under-Secretary of State for India, may visit India but not until the Provincial election results are known. It has been ascertained that this report was received by the *Hindustan Times* from their London Office. Up to the present this report has not been published here but it may be desirable if rumours in this sense become persistent to make the proposed announcement rather earlier than we had contemplated.

P.-L.

[1] No. 380.

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Sir F. Wylie (United Provinces) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/275: ff 205–7

SECRET *28 January 1946*

U.P.–3/46

7. We are much occupied these days with security schemes etc. in an attempt to get ourselves ready for what may be coming to us. I need not trouble Your Excellency with the details. We are in the closest touch with the Army and our plans are well forward. I sent an officer to Delhi some time back to

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demand arms for the police. These we are getting at once. We are also training 100 men of the Special Armed Constabulary in the use of grenades—for defence of isolated police stations only. The other things we need urgently are:—

(a) More motor transport for the police.
(b) Wireless transmitters—both static and mobile.
(c) Popham panels.[1]
(d) Jeeps for our District officers who are practically carless after six years of war and with Raisman's income-tax etc.

We are pressing these needs all we know and if there is any undue delay I may have to go to Delhi myself to help the matter along. Our police need encouragement and the best way to give it to them is to provide them with first class equipment. I shall be making a speech in a few days time at the annual police parade here and I propose to put it across—as tactfully as may be—that the force has now got or is getting the tools it needs. For we are determined if the strain comes again that, if possible, none of our police stations shall this time be either evacuated or overrun by mobs, much less burnt with their garrisons inside them. My personal opinion for what it is worth is that there may be no row at all this summer, but prophesying with the country in its present shape is the merest folly. Obviously a match could set the whole thing off any day.

8. I started this letter in Lucknow but am finishing it in Allahabad, having paid a visit to Benares en route. In Benares I had long talks with all the officials —not only Collectors and the like, but Deputy Collectors and Deputy Superintendents of Police etc. These people are all right I think and some of the bolder spirits among them are well on their toes. But they need fostering and so far as the police force is concerned, the best way to do it is to give them arms and equipment. I had no public engagements in Benares for obvious reasons. It is a powerful Congress stronghold. I slipped down into the city one day to see the temples and all that. Quite fascinating, but I have never in my life got such a strong sensation of militant Hinduism. The place simply pulsates with it.

[1] Panels, usually of a stiff white material, used as a means of giving simple instructions to aircraft flying overhead.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: f 196

IMPORTANT
TOP SECRET

INDIA OFFICE, *29 January 1946, 10.45 pm*
Received: 30 January

No. 2090. Superintendent Series. It would help me to know when I may expect to receive your recommendations as regards definition of genuinely Moslem areas if we are compelled to give a decision on this and also your proposals as

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regards the Treaty on which I understand your officials have been at work. Time is getting very short and if proposed Mission is to have as much freedom of negotiation as I should like it will be desirable for them to have discussed these issues particularly with others here before leaving. I hope therefore that you can let us have your views on both these matters at any rate within a fortnight.

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Lord Pethick-Lawrence to Mr Attlee

L/P&J/10/19: f 41

TOP SECRET INDIA OFFICE, *29 January 1946*

Secretary of State's Minute: Serial No. 10/46

Prime Minister

Ministerial Mission to India

I have had a long discussion with the President of the Board of Trade and have held conferences with my officials in which I have reviewed the many questions of policy and tactics which will face this Mission. It is clear to me that there is a great deal of preparatory work for the members of the Mission to do and that after they have reached their own conclusions there will be a number of important issues to be considered by the India and Burma Committee. The members of the Mission ought therefore to be decided upon as soon as possible so that they can set to work at once. I am of course at your disposal if you would like to discuss this with me. We have only some seven or eight weeks before the Mission's departure and I do feel it is a matter of great urgency to decide on its composition.[1]

PETHICK-LAWRENCE

[1] Later on 29 January Mr Attlee minuted: 'Noted'. L/P&J/10/19: f 40.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/P&J/8/525: ff 124–8

TOP SECRET AND PERSONAL THE VICEROY'S HOUSE, NEW DELHI,
No. 592/30. *29 January 1946*

My dear Pethick-Lawrence,

I have telegraphed[1] to tell you I welcome the proposal that you and two colleagues should come out at the end of March to negotiate with the party

[1] No. 380.

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leaders. Provided you can stay long enough—and this is an essential condition—I think there is much to be said for this procedure.

2. I enclose a record of a discussion I had with Maulana Abul Kalam Azad and Mr. Asaf Ali on the 25th January. The suggestion that no Executive Council should be formed at the Centre until Governments have been formed in all the Provinces is, I think, linked up with the proposal in paragraph 4 of the note about the method of forming an Executive Council. Azad would like the Premier of each Province to nominate two persons to form a panel from which, subject to certain exceptions stated in my note, the Executive Council would be formed. This proposal is, I think, unacceptable, innocent though it looks. It would suit the Congress well enough because the Premiers in a number of Provinces would be under the orders of their Working Committee. But Jinnah would be in two difficulties. First, he might have only two Muslim League Premiers (Sind and Bengal), and each of them would, for local reasons, have to propose one local man. Thus Jinnah would only have two nominations at his own disposal. Secondly, Jinnah would be deprived of the chance of stating in advance the conditions on which he would allow the Muslim League to participate in the Executive Council. I think it will be out of the question to accept this proposal of the Congress, and if I get a suitable opportunity in discussion with one of their leaders I will indicate the difficulties.

3. The Congress are difficult people, and I am a little unhappy about the growing influence of Patel. Their behaviour over the election of the Presidentship of the Assembly which I have described in my weekly letter[2] was typical, and it is just this sort of truculence that alarms the minorities. It remains to be seen how Mavlankar will behave as Speaker of the Assembly. Much depends on him because if he proves to be an ardent party man like Vithalbhai Patel he will make the atmosphere about as unsuitable for an inter-party agreement as it could be. Similarly if the Congress press this suggestion for the method of forming the Executive Council it will widen the gap between them and the Muslim League.

4. Fortunately Gandhi's influence is still paramount, and I think he is likely to be more reasonable in these matters than Patel. The difficulty however is that he is not available to exert his influence all the time.

5. I saw Liaquat Ali Khan a day before Azad. He is a pleasant sort of fellow, much easier to talk to than Jinnah. He said that the British would have to face the Pakistan issue and settle it before any progress could be made. We had a good deal of general talk of Pakistan. His theme was the official Muslim one that we must concede Pakistan in principle and then begin to adjust the boundaries. He said at the end that the British would have to stop in India for many years yet.

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6. Since the above paragraphs were dictated Jinnah's strong reactions to my Assembly speech have been stated. I enclose cuttings from *Dawn*.[3] The line he has taken certainly tends to confirm your view that the negotiations cannot be kept in watertight compartments. On the other hand it is possible that he has spoken so soon and so forcibly only because he fears that it might be difficult to hold his party together if a good offer were made. I would not despair of getting the League to come in if the Executive Council issue were tackled separately as proposed in my plan, but it does not look as though it would be feasible, with you and your colleagues out here, to press them to come in at once 'without prejudice' to the decisions on the long term issues. We should have to agree to conducting negotiations first, and if Jinnah insisted on a Pakistan of some sort and on two constitution-making bodies there would be at least a month or two's delay before I could possibly have a new Executive Council.

Yours sincerely,
WAVELL

Enclosure to No. 389

NOTE ON DISCUSSION WITH MAULANA ABUL KALAM AZAD AND MR. ASAF ALI ON 25TH JANUARY 1946

25 January 1946

1. The discussions began on a slightly acrimonious note with the Maulana saying that the action of the Police in Bombay (and in the U.P. and Punjab) had been quite unjustified. I said that while I deplored the loss of life in Bombay, I entirely refused to accept that it was not the duty of the Police to control processions and that if the processions came out with a view to creating trouble, as these appear to have done, it became necessary for the Police to take action; it was the first duty of any Government to keep law and order, and it would be disastrous to the future Government of India if the Police were always held to be wrong. I agreed with Maulana Azad that it was most important at this particular time to avoid clashes between the Police and crowds, and that therefore unnecessary processions with a provocative purpose should be avoided. I hoped that there would be no disorders tomorrow, Independence Day.

2. Azad then went on to the Assam elections, and said that when the results were declared he hoped that the Governor would deal with the formation of a Government in the proper way, and not in a "partisan spirit". I asked him what he meant; and what it came to was that he expected that no party would have a really clear majority, and that whoever was asked to form a Government would by that very fact be able to attract to his support certain members

[2] See No. 390, para. 2. [3] Not traced in India Office Records.

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of the Assembly who were prepared to join whichever party was in power. He therefore considered it was the duty of the Governor to ask Bardoloi, the Congress leader, to form a Government, and not Saadulla. I said that I had complete confidence that the Governor would carry out his constitutional obligation to form a stable ministry with complete propriety; did the Maulana suggest that he would not? He did seem inclined to suggest this, and instanced the North-West Frontier Province, where he said a Muslim League Government should never have been allowed to function by the Governor. I said quite firmly that I had every confidence in the Governors both of Assam and the N.W.F.P., and declined to hear any suggestion that they had not acted or would not act impartially. Azad claimed that Congress would be able to command 60 seats in Assam out of 108; I said that if this was so the matter was perfectly simple, they would have no difficulty in forming a ministry. We left it at that.

3. We then went on to the question of further political steps after the elections. Azad gave me to understand that Congress would form governments in all Provinces in which they had a majority, and would not expect any Executive Council at the Centre to be formed until after this. He asked me what steps I was going to take to form an Executive Council. I said that I could not give him any details, that the matter was under discussion between H.M.G. and myself, but that he could rest assured that we would do our very best possible to form a good Executive Council to carry on the administration of India during the interim period; I hoped that I could count on the support of Congress. Azad said that I could count on the support of Congress for any "reasonable" solution. I said that I supposed that that meant what was reasonable from the Congress point of view. He then said that the real issue between Hindus and Muslims, i.e. Pakistan, could be put aside in the formation of the Executive Council and be settled in the Constitution Making Body; so that the Pakistan issue need not arise during the formation of the Central Executive.

4. He then put forward the following proposal for the formation of an Executive Council: that all Premiers of Provinces should be asked to nominate two persons; and from this panel of 22 I should choose the Executive Council. I asked a number of questions to elucidate exactly what was in his mind: would the Viceroy have complete freedom of choice from the panel nominated, and would it be for him to decide the size of his Executive Council, and its composition; would the Premiers be confined to nominating members of the Provincial Assembly; must their nominees be from their own Provinces; how was it proposed to provide for certain interests, e.g. Scheduled Castes and Sikhs, who might not be represented in the panels submitted?

To the first of these points he replied that he thought it should be a matter for negotiation; but if it was not possible to arrive at a decision by negotiations,

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it would be for the Viceroy to make the choice. To the second question, he replied that it would be open to the Premiers to nominate anybody, whether a member of the Provincial Assembly or not. For instance, it would be quite natural for the U.P. Premier to nominate Nehru. To the question whether nominees must be from the Premier's own Province, he at first replied that this was so; when I pointed out that this might not produce a very satisfactory panel, for instance two nominations from Orissa might not produce two persons of Executive Council calibre, he agreed that the nominations need not necessarily be from the same Province. He pointed out that the great advantage of the plan would be that both Congress and the Muslim League would be eliminated, the choice would be purely from the elected [?representatives] of the people. I said, was he really asking me to believe that the Working Committees of Congress and the Muslim League would have no influence on the nominations put forward by the Premiers? He admitted that it might be a party list. On the representation of special interests he agreed that it might be necessary to make additions to the panel, e.g. of Scheduled Castes and Sikhs. I thanked him for his suggestion and said that I would consider it.

5. He then went on to the question of the release of detenus, and produced the usual argument that there could be no possible improvement in the atmosphere until all prisoners were released and all orders against people at large withdrawn. I said that I thought we had gone as far as we possibly could at the moment in the release of detenus, and that no one was now under detention for his political opinions without having committed crimes or being a serious menace to law and order. I reminded him that it was the Provincial Governments who were responsible for law and order in their Provinces and that they must be the judges of people whom it would be dangerous to release.

I took occasion to tell Asaf Ali of the withdrawal of the order against his wife; he said he had not been informed officially but that he had an "inkling" that the order was being withdrawn. He then asked that all similar orders should be withdrawn, and instanced particularly Patwardhan. At this point Asaf Ali got really eloquent in his plea for the release of everyone, and said that it was doing more harm to the atmosphere and to the relations between Congress and the British than anything else; he said he spoke with feeling as one who had been himself in detention; he said that he had "looked into the hearts of the people" during his recent tours, and that this was the one thing they felt strongly about. I said that as long as political leaders went about talking of "thousands and thousands of the best of our Nation rotting in jail" they would create that sort of atmosphere; I said that the feeling was not all on one side, that we had had people murdered in cold blood, terrorism in Bengal, and so forth, and that considering all things I thought we had dealt with it remarkably mildly; did he think that the Germans or Russians would

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have dealt with it as leniently as we did? He admitted that they would have had a much worse time from anyone else, but still said that we ought to release everybody. I said that it was almost entirely a provincial matter and that I thought we had gone as far as we could for the moment, but that releases were being made almost daily. He instanced particularly Caveeshar confined in the Punjab, but under Central authority; I said that I would look into this.

6. Azad finished by referring to the bad will caused by the Presidential election, and the iniquity of the Government in trying to form a coalition to support a nominated member as President. I said that it had been an unfortunate incident, but that Congress were not entirely guiltless; their leader had not consulted with the other leaders; if he had done so this trouble might have been avoided and an unanimous election might have been agreed. Azad admitted that Congress had omitted to consult the other leaders, but said that this was Benthall's fault. I refused to admit this, and said that it was anyway all over now, and happily from their point of view, and that they must see that it was not allowed to cause bitter feeling in the Assembly at a time when good feeling was so important.

This ended the conversation and we parted quite amicably; Asaf Ali, who had been bitterly hostile at the beginning, appeared to have thawed a little at the end.

W.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/23

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI, *29 January 1946*

Thank you for your letter of the 18th January.[1] The M.Ps' Delegation have continued their laborious tours and I think on the whole have made a good impression. In case Wyatt's comments on the Cripps Offer, which he calls out of date, and his proposal of a Union between India and England have not received publicity at home, I enclose in this bag a cutting from the *Statesman* of the 20th January and their leader three days later. Actually Wyatt has proved one of the most lively and interested of the delegation and I do not think the publicity given to his views has done any harm. He and Mrs. Nichol have had some difficulty lately as their luggage was carried away in an aircraft which took them to Madras and it took some time to trace it and get it back.

2. The chief event of the last week has been the election of the President of the Assembly. The Congress started off with one of their typically high-handed

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acts in putting up a candidate without consulting the leaders of the other parties. The Muslim League, the European Group and others in the Assembly were quite prepared to vote for a moderate Congressman, but were not keen on Mavlankar who is stated to be Patel's man. The attitude of Government had to be decided and I left the matter to the Front Bench, i.e., to the Members of the Executive Council in the Assembly. They decided by a bare majority, I believe, to support an effort by the Muslim League and the other non-Congress groups to persuade the Congress to put up Neogy, a moderate Congressman who would have been acceptable to all parties. They gave an undertaking to Jinnah that while they would prefer Neogy they would, if the Congress insisted on putting up Mavlankar only, support against him the other candidate Sir Cowasjee Jehangir. There was a good deal of lobbying, but the Congress refused to budge, and the Government officials and nominees in the Assembly had to support Jehangir against the Congress candidate. The Congress got up a good deal of agitation about this in the papers and said it was monstrous for officials and nominated Members to vote in the presidential election. They also said it was wrong to put up a nominated Member (Jehangir) as a candidate. Considerable feeling was aroused by all this, but in the end Mavlankar was elected by a small majority and I think the incident will be forgotten in time. Dalal, who has of course already resigned from the Executive Council, let down his Colleagues by stating on the floor of the House that he did not want to vote. As it turned out, it would really have been better if Government had decided not to vote at all, but on the other hand this meant accepting anyone that the Congress cared to put up, and their action in refusing or failing to consult the other parties naturally annoyed the rest of the House. The Muslim League point of view about this incident is shown in a leader from *Dawn*[2] of January 26th, which I enclose in this bag.

3. I addressed the Assembly on Monday and I send a copy of my speech[3] in this bag. The Congress decided to stay away according to their usual policy. I think this was short-sighted and rather childish of them, but the feeling over the presidential election which happened just before made it difficult for those Members who would have liked to secure the party's attendance to get their way.

4. On the whole the beginning of the session has not gone off too badly. The debate on the detenus was quite mild and only the debate on Indonesia has been really bitter so far. The Congress were in some difficulty over the detenus because there are only four who are held by an order of the Centre, and though the Congress like to use any stick to beat the Government with, they hesitate in present conditions to insist that everything done by a Provincial Government is a matter for which the Central Government is responsible.

[1] No. 367. [2] Not traced in India Office Records. [3] See Annexure III to No. 444.

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They are now thinking of the day when there will be Congress Ministries in the Provinces.

5. I have telegraphed to you about the food situation which is now most serious.[4] It is unfortunate that we did not know the full effect of the continued drought until after the Central Food Board had met in Washington. With a deficiency of 3 million tons we are faced with the probability of a widespread famine. We propose to send a delegation to London to urge on His Majesty's Government that it is essential to get the allotments made by the Central Food Board reopened. I hope we shall have your strong support in this. It will I think afflict the conscience of the world if India is allowed after adequate warning to have another disastrous famine within the space of three years. I have told Harriman who has been staying here what the situation is, and have asked him to mention it to the President. I wonder whether the Americans, whose consciences are sometimes so tender about other people's business, will decide to ration themselves in order to save lives in other countries during the coming year.

6. I have arranged a special tour to Southern India to visit the areas that are threatened with famine, and I shall take the Food Member with me unless he has already left for London. We shall do our best to get in position a competent famine administration; but whatever we do we are in for sad trouble unless we can get adequate imports.

7. I am not sure what the political parties will do if they are presented with a really grave administrative problem like a famine in the early period of their responsibility. Unless things go just right for them politically, they may be tempted again to throw in their hands in order to evade responsibility. When many thousands of people are hungry, they may feel that they will do better for themselves by organising a mass movement than by trying to administer the famine areas, and accepting the responsibility involved. Certainly the conditions will be as conducive to disturbances as they well could be. One cannot expect the Central Food Board to consider these political problems, but I hope His Majesty's Government will bear them in mind.

8. You have received reports of the Bombay disturbances.[5] The behaviour of the police has been good and I do not think there would be any advantage, and many serious disadvantages, in pressing for any sort of enquiry. "Independence Day"[6] passed off remarkably quietly throughout India.

9. In your letter of the 11th January[7] you mentioned a complaint that Bevin had received to the effect that 88 per cent. of the Bevin boys were unemployed. I find that the actual figure at present is 28 per cent. or 204 out of 713. I think that a good many of these are likely to get employment soon and that the figure will ordinarily be much lower. I have however given orders

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that the Executive Council should be kept in touch with the situation and that monthly reports should come before them. One difficulty is the rate of wages. A reduction from war-time earnings is inevitable, and the Labour Department are pressing the trainees to accept employment that gives them more than they were getting before they went to the United Kingdom even though this may be considerably less than the wages they earned during the war.

10. Trouble is again threatening over Indians in South Africa. Smuts is against having a conference as recommended by the Broome Commission and proposes to introduce legislation which will make acquisition and occupation of properties subject to racial control in all areas except those described in a schedule to the Bill as "free areas". Any legislation on these lines will be entirely unacceptable to Indian opinion, and after discussion with Deshmukh I have telegraphed and written to Smuts asking him to hold his hand until Deshmukh returns, and to consider further the proposal of the Broome Commission that there should be a conference.

[Para. 11, thanking Lord Pethick-Lawrence for sending an advance copy of the White Paper about the Malayan Union and the Colony of Singapore, omitted.]

12. In your letter of 27th November[8] you asked what was the position about the Indus dispute. No settlement on the financial issues between the Punjab and Sind has yet been reached, but negotiations are in progress and I will let you have a further report later.

The Machkund dispute looks like being finally settled. Orissa have ratified the agreement negotiated by Menon between them and Madras and I have spoken to Ramamurti, who is the Madras Adviser concerned, and he told me that Madras will accept.

13. In your letter of the 4th January[9] you asked me to let you know the result of Casey's enquiries about the use of tear-smoke in the Calcutta disturbances. I am sending in this bag a note on the subject by the Commissioner of Police, Calcutta, which Casey accepts. It is, I think, clear that tear-smoke is not always the best weapon to use because crowds may discover that the effect is temporary and that if tear-gas alone is to be used against them they can go on trying until they succeed.

[4] See No. 379, note 2.

[5] On 23 January 1946 the authorities in Bombay altered the permitted route of a Subhas Bose procession to avoid Muslim areas in the city. However, the organisers of the procession refused to follow the altered route and in ensuing disturbances 11 persons were killed and several hundreds were injured. Copies of the Govt. of Bombay's situation reports to Lord Pethick-Lawrence are on L/P&J/8/574.

[6] Since 1930 Congress had celebrated its aim of Purna Swaraj (complete independence) on 26 January.

[7] No. 351, para. 6. [8] No. 246, para. 16. [9] No. 331, para. 9.

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[Para. 14, on Sir W. Spens' memorandum on the working of the judicial system in India, omitted.]

15. Council approved last week Labour Department's proposal to legislate so as to reduce the basic working hours in industry to 48 hours per week.

16. I am concerned about the situation of passages for civilians and service families from India to the U.K. In your letter of the 16th November[10] you promised us a monthly allotment of 2,500 troop spaces homewards for the first quarter of 1946. But in January we received only a total of 2,073 passages, and in February only 830. We received 6,237 applications for passages, so that we have had to turn away over 3,300 people, and even if the promised monthly allotment of 2,500 had materialised we should still have been short by over 1,200 berths. Applications for passages in March and April are even larger—at the moment 2,200 civilians and 1,100 service families—and to accommodate them and work off arrears we shall need by the end of March a total of 6,600 passages.

This is a serious situation. Most of the passages are required for women who have already spent too long in this country for the good of their health or for children who must get home if their education is not to suffer. There are also members of the I.C.S. and the other services who badly need a rest from the strain which they have undergone during the war years; it is indeed essential for the administration of the country that they should get leave. I am now faced with the prospect of having to tell these people that their interests are so little regarded by His Majesty's Government that although there is shipping to take troops home there are no passages for them, and they must face yet another hot weather in India. This means that they will have to find accommodation at this late stage for children in the hills and try to get them into some sort of school. I must ask you to take this question up urgently and get it reconsidered. I understand that the deterioration in the passage situation is largely due to the failure of the air trooping scheme and to the diversion of shipping for evacuation of the Dutch from the Netherlands East Indies. But I must emphasise that the effect of this failure to provide passages for civilians will have a serious effect on the morale of the services at a time when it is essential for us to keep it at its highest. I understand incidentally that a great part of the troop space accommodation allotted by the War Office cannot be used by women and children. This is not because they are not prepared to rough it, but because there are no adequate lavatory arrangements, and Masters of ships will not permit women and children to occupy these quarters. What we require is a greater allotment of cabin accommodation on troopships; or alternatively one or more large all-cabin ships, to clear our waiting list; and it is important that we should get this before the hot weather.

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17. I understand that the S.S. Strathaird sailed from the U.K. on the 16th November with only about 500 passengers on board against the full complement of over a thousand. Apparently the ship sailed soon after the Swedish ship Drottningholm, and perhaps this is the reason why the Strathaird could not be filled up. But it does seem unfortunate that this should happen when so many people are still waiting for passages to India. The matter is, I suppose, one that concerns both the Military side of the India Office and the High Commissioner's Office. I have not taken any action as regards the latter but you [? may] care to make enquiries.

18. In your letter of the 4th January[11] you spoke of your impression that Hyderabad might not make use of facilities for ordering capital equipment from abroad because they might feel that such action implied their acceptance of the fact that the Government of India could control industrial planning on an all-India basis. This has not in fact proved to be a deterrent, and recently several applications have been made to the Chief Controller of Imports and the grant of licences has been recommended. These include licences for a 15,000 ton plant for the manufacture of vegetable ghee, while licences for textile mills and cement factories have also been received.

19. Clark Kerr arrived last night and goes on again this evening (29th). I have had talks with him and he has seen Weightman, Trivedi and the C.G.S. (Auchinleck is touring).

19 [*sic*]. I summoned the Chancellor today and told him about the decision to depose Rewa. He took it calmly, and obviously realised that Rewa was a disgrace to the Princely Order, but he warned me that there might be repercussions amongst other Princes.

[10] No. 214, para. 9. [11] No. 331, para. 12.

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Lord Pethick-Lawrence to Mr Attlee

L/PO/11/4: f 157

INDIA OFFICE, *30 January 1946*

Secretary of State's Minute: Serial No. 11/46

Prime Minister

I enclose a copy of a personal letter[1] I have had from Casey in which he makes the suggestion that Mountbatten, when he relinquishes his S.E.A.C. Command,

[1] No. 369.

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might make a tour of a few months each in each of the Dominions accompanied by his wife.

I do not know what you will think of this suggestion but I feel I should pass it on to you.[2]

PETHICK-LAWRENCE

Lady Willingdon said to me recently that Lord Mountbatten ought to be the next Viceroy.

[2] In a letter of 1 February to Mr Turnbull, Mr Rowan said Mr Attlee had seen Lord Pethick-Lawrence's Minute and wished him to know that Admiral Mountbatten was shortly to visit Australia and New Zealand at the invitation of their Governments. Lady Mountbatten would accompany him in Australia and probably also in New Zealand. On the wider suggestion in Mr Casey's letter, Mr Attlee felt anything further should be left to Dominion initiative. L/PO/11/4: f 155.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/23

PRIVATE AND SECRET INDIA OFFICE, *1 February 1946*
Received: 9 February

Thank you for your letter of the 21st.[1] I am glad to hear that the outward mail is doing better. Your letters seldom take more than eight days and sometimes as little as four or five.

2. I note your desire to keep the correspondence about constitutional matters separate from these letters, and I will endeavour to do so. I imagine, however, that you do not mean to exclude comment on general matters bearing on the main issues, but only discussion of the actual plans.

3. I am glad you have had an opportunity of talking to Vallabhbhai Patel. There is no doubt, I think, that he is the most uncompromising of the Congress leaders, and in some ways his statements, though less frequent, have been worse than Nehru's. It would interest me to know what you think his position is in the Congress Working Committee. I gather that he is a very powerful element in it, though he appears in public less as a spokesman of the Working Committee than some of the others. He is clearly much more strongly opposed to making any sort of concessions to Jinnah than is Nehru and a good deal may turn on whether Nehru or Patel carry a majority with them in the Working Committee during the preliminary conversations in April. I suppose that Patel and Gandhi have hitherto been pretty much in sympathy and together will always

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outweigh Nehru's view, so that no doubt what really will matter is which way Gandhi goes.

4. I quite agree that it is lamentable that there should be any hesitation in passing a resolution of the Central Legislature thanking the Indian Army for what it has done during the war, but I also agree that to propose a resolution and have dissension over it would be far worse than for nothing to be done at all.

5. I am very glad that you have been able to nominate three Labour members to the Assembly. I understand the difficulties of finding a fourth seat which you explain, but I think that three instead of one goes a good way to meet the requests which have been put to me. I have seen a list of the nominated members but I am not very clear which of them are the Labour representatives, and I should be very glad if you could send me their names and some information about their careers and present position in Labour organisations.

6. I agree that the Chamber of Princes Resolutions are more realistic in character than might have been expected. I hope they are something more than mere window dressing, but I do not feel very convinced that they really mean business. I gather that the resolutions of the Chamber do not commit any individual State to take any positive action.

7. What you say about South African developments is not very encouraging, but it is certainly a very good thing that Deshmukh has made such a good impression on Smuts.

8. I am afraid you are in for a bad time with the Assembly during the interim period. I thought your speech[2] to them was admirable and I hope it will have a sobering effect. Your account of the Debate on the use of Indian troops in Indonesia is not very encouraging but Benthall seems to have made the best of a difficult and disagreeable job. If you think he would appreciate it perhaps you would send him a message to convey my thanks for the way in which he handled this difficult task. It may be that Clark Kerr will be able to produce some détente in this situation in time to take the rough edges off it before we get to the crucial period for the Indian discussions. Even so it will be difficult, if not impossible, actually to withdraw the Indian troops immediately. However, if we were able to make a start and announce a gradual withdrawal, that might get us over the difficulty as grounds of complaint would not then be big enough on which to raise a fundamental objection to any co-operation in the political field.

[Para. 9, on the suggestion that the Indian Art Exhibition might go to America, omitted.]

[1] No. 371. [2] See Annexure III to No. 444.

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10. I will see whether anything can be done about the passage situation for civilians in India. I did not realise that it had fallen below expectation.

11. I shall be sending a valedictory letter to Casey by the hand of one of Burrows' party, and I have asked the Prime Minister to write a letter. I am sure he has given most invaluable service both as Minister of State in Cairo and in Bengal, and we ought to show our gratitude to him.

12. I am glad that Thorne took so much trouble in investigating the allegations of torture made by Vidyarthi. It was a good idea to take Vidyarthi and Gandhi's son to the Fort and I shall be interested to know if you get any information as to whether Gandhi is satisfied that the allegations are not well founded. It is not perhaps to be expected that he should disclose it in public if he were so convinced.

13. In paragraph 13 of your letter of the 25th December[3] you made certain suggestions about the Princes to be invited to London for the Victory celebrations. I find it difficult to deal with the question as the plans for the celebrations are in a very embryonic state and we do not know who will be attending from the rest of the Empire (or indeed from British India) nor what, if anything, the King himself will be doing, other than taking a salute. The best thing I can do is to send you the enclosed note[4] by my Political A.-D.-C., and when things are clearer I will communicate with you again. Meantime the projected date should be regarded as secret.

[Para. 14, on the retrenchment situation on the Indian railways; and para. 15, on the disposal of the body of the ex-Sultan of Turkey, omitted.]

[3] No. 314. [4] Not printed.

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Mr Attlee to Members of the India Committee

L/PO/6/102c: ff 143–9

10 DOWNING STREET, WHITEHALL, *3 February 1946*

Prime Minister's Personal Minute: Serial No. M. 44/46

To the Members of the India Committee
The following letter from Mr. Arthur Moore and enclosure will, I think, be of interest to you.

C. R. A.

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Mr Moore to Mr Attlee

SAVILE CLUB, 69 BROOK STREET, W.1,
31 January 1946

Dear Attlee,

I had a conversation with Jinnah last week, and think it may interest you to read my notes. His main point was that if only "the principle" of Pakistan is recognised by the British, he will be prepared to serve in an interim government, with or without the Congress.

He is pretty confident, however, that if the British accepted the verdict of the Moslem electorate, the Congress would have to do the same and would come in to an interim government, and that this would be much better. Real power should be delegated to such a government, but he emphasised that this must only be "within the limits of the present constitution". He would not agree to dependence on a vote of the legislature.

Since then, in commenting on the Viceroy's speech to the legislature,[1] he has reaffirmed his refusal to join a government. In the light of his conversation with me, this refusal seems only to apply as long as the principle of Pakistan is not accepted.

I left Delhi 36 hours later, and had no opportunity of giving my notes to the Viceroy, but I am now sending them to him by airmail, and also sending them to Lord Pethick-Lawrence in case they may be of any assistance.

Yours sincerely,
(Sgd.) ARTHUR MOORE

Enclosure

NOTES OF A CONVERSATION WITH MR. JINNAH ON 22ND JANUARY AT HIS HOUSE IN NEW DELHI

The new Assembly had met for the first time on the previous day and the conversation took place on the evening of the second day of the session. I asked Mr. Jinnah whom the Congress Party were putting forward as new President of the Assembly. He replied that they were selecting Mr. Mavlankar and he criticised Congress procedure very severely. The Moslems could have no confidence whatever in Mavlankar as they had had bitter experience of him in the chair in the Bombay Provincial Assembly where he had been an open partisan and had never treated the Moslems fairly. For the Congress to select a partisan candidate without first consultation with the other parties in the House, so as to make sure that their candidate could enjoy the confidence of all parties, seemed to him shocking procedure, but it illustrated their completely dictatorial mentality. They had chosen their candidate and were prepared to

[1] See Annexure III to No. 444.

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thrust him upon the assembly by a simple majority vote. It was not clear whether the Government would accept this procedure and agree to support the candidate or would unite with the Muslim League in putting forward another candidate. The League also could not take a final decision till it had further consultation with other parties.

We then discussed the possibility of progress this year in the constitutional field. I reminded Mr. Jinnah that on the last occasion when we had talked (in Calcutta early in 1942) he had told me that if within the limits of the present constitution, Lord Linlithgow would offer some real power to a coalition war government he would be very willing to serve. He replied at once:—"Yes, that is true and I meant it 100%. But that was for the war. All that is finished. The Congress and the League could not work together now in the same government so long as the issue of Pakistan divides us."

I mentioned that the Congress had repeatedly said that they were prepared to serve in such an interim government under his leadership during the constitution making period. Mr. Jinnah replied that that was complete humbug. Congressmen always insisted that such a government should be responsible to the legislature; that meant that the legislature could turn out the government, and unless the non-Congress members toed the Congress line such a government would be quickly overthrown. It would not work at all. "We should be fighting like Kilkenny cats all the time."

I said that if there were a real patch up between the Congress and the League I had supposed that, as between them they represented the great majority in the legislature, the government would have no difficulty in securing the stable support of the Assembly.

"Not at all", replied Mr. Jinnah. "The Congress members of the government would be quite capable of arranging that the government itself should be defeated and what then?"

I said that if, during the constitution-making period the attempt to get a harmonious relationship between the communities inside the government and between the government and the legislature were to fail in this way, that would be regrettable but it would not mean that a plot to install a purely Congress government would succeed. We should still be working "within the limits of the present constitution" and whenever the transfer by convention of responsibility broke down the reality of responsibility to the Secretary of State and the British Parliament could come into force, and it would be the duty of the Viceroy either to retain or reconstruct his government as seemed best.

Mr. Jinnah argued that the attempt to have responsibility in two places at once was quite impossible. "Let us keep within the limits of the present constitution during the transition period. What is the importance of this transitional government? It is only for two or three years and what is that? We have managed so far within the limits of the present constitution and if

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there is good will all round we can surely manage to get through the constitutional period. But it is no good for the British to imagine that they can get a workable government out of elements completely opposed on a vital issue. First we have to settle the issue of Pakistan."

I replied, "Of course. I have been assuming that acceptance of the principle would be the basis of an interim coalition and that when the provincial elections are finished the Congress would be unable to go on proclaiming that the League's view does not represent the Moslems, and will have to accept the clear verdict of the Moslem electorates and that the British will also accept the verdict."

Mr. Jinnah's face changed at once and he became very cheerful and animated. "Ah", he said, "that would be quite a different matter; everything would be different. If the British and the Congress were to recognise the verdict and accept the principle of Pakistan the whole spirit would change and we should become friends. Patel is preaching civil war and trying to scare the British with the prospect of bloodshed but that is all nonsense. If the British declared their decision in favour of Pakistan there would be no trouble, the Hindus would quickly accept it. Many of them already want it but they are afraid to say so because of Congress pressure. I cannot understand why the Hindus do not all want Pakistan. They have everything to gain by such an arrangement. All we ask for is two very small parts of the huge sub-continent and they will be left with the rest, controlling perhaps 250,000,000 people. They will be relieved of all wrangles, and have a good friendly neighbour in Pakistan."

I asked him if the League would take part in an interim government if the principle of Pakistan were accepted. He replied at once that they would, and that it would not matter whether the Congress came in or not, but if the British firmly accepted Pakistan the Congress would have to come round.

I then asked how he envisaged the constitution-making procedure.

He said that if the British Government would lay down its acceptance of the principle of Pakistan on the general basis of the existing provinces,—Sind, Baluchistan, N.W.F.P., the Punjab, Bengal and Assam—two constituent assemblies could be provided, one for these provinces, the other for the rest of British India. These two assemblies would be in close consultation with each other and would produce a joint demarcation commission which would decide the actual frontiers; these would not be simply the existing provincial frontiers as adjustments would obviously be necessary. All that could be settled in the spirit of give and take and the Moslems would not be unreasonable.

I asked him whether he envisaged a plebiscite. He replied that it would not be necessary. It had not been necessary in previous instances elsewhere and in fact was not a helpful method.

I raised the point of the large territorial gap between the two sections of Pakistan which would be separated by the United Provinces and Bihar.

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Mr. Jinnah saw no difficulty in that. "What is that" he said "compared to the distances between England and Australia or between England and colonies all over the world. Nobody bothers about distances elsewhere, why is it so important in India?"

I said that Britain had direct access to the Dominions and Colonies by sea and nowadays by air. A single government accepting to function in two areas through a land route in another country seemed a different proposition. In time of peace one government could not pass soldiers in uniform for example over a land route of another country. French soldiers going to Algiers or Tunis would go by sea in a French ship. They could not go overland through Italy. Similarly British officers travelling to or from India over the Marseilles–Calais route could only go as unarmed civilians.

Mr. Jinnah said he saw nothing in that point. The two parts of Pakistan would have sea connection between Karachi and Calcutta which would be quite a quick connection compared with the days when a voyage from Britain to India took six months. Also they had communication by air and actually there would be no trouble about a rail connection. With good will on both sides it would be easy to fix a rail corridor. In fact everything would be easy because the spirit would be different.

I asked did he mean, for instance, that there could be a common economic plan and a common tariff. I instanced the fact that when Burma and India had separated they had agreed to retain their common tariff for a period of five years, which had been subsequently renewed for a further period.

Mr. Jinnah replied "But of course. We would do everything we could in consultation and for our common welfare, and we would always be a good neighbour and never make unnecessary difficulties. We would co-operate in world affairs and have a common policy." He cited the instance of a Hindu neighbour of his who had great difficulties in regard to his land because Mr. Jinnah's land blocked it from essential access to a main road. After putting up with this for a long time the Hindu came to him and pointed out the difficulty and asked if anything could be done whereupon Mr. Jinnah, who himself had all the access that he required and appreciated the reality of the other's difficulty, readily agreed and asked the neighbour why he had not come earlier and explained his difficulty. "That" he said "I mention to illustrate how easy it will be when we stop fighting and agree on the principle".

(Sgd.) ARTHUR MOORE

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Field Marshal Viscount Alanbrooke to General Auchinleck (By Special Channel)

Telegram, L/WS/1/1008: f 120

MOST IMMEDIATE WAR OFFICE, *4 February 1946, 10.10 pm*
TOP SECRET

96169. Personal for General Auchinleck from C.I.G.S.
Reference your series of telegrams to Chiefs of Staff ending with 63/COS of 18 January.[1]

1. Chiefs of Staff find themselves in considerable difficulty over precise recommendations to Defence Committee in connection with reinforcements you request for India. I am therefore asking you in this telegram to assist us by giving us more information.

2. Situation is that the Chiefs of Staff recently put to Defence Committee our minimum requirements in armed forces for our existing world-wide commitments. The acute U.K. manpower situation is forcing Defence Committee to make further arbitrary reductions with the result that we are now left with what we have stated firmly is an irreducible minimum in all areas where our commitments continue. We will therefore have to give very strong reasons if we are to put to Defence Committee proposals for despatch of troops to India, thereby reducing in other areas to below the danger point.

3. I have just discussed matter with Swayne. He has explained the reasons behind your request for extra three British Brigade Groups, amplifying your "object of providing steadying effect", as stated in para. 1 of 63/COS. But if you yourself are still convinced that despatch of British reinforcements is essential it would be of great assistance to Chiefs of Staff in putting case to Defence Committee if you yourself could send Chiefs of Staff a further telegram, making as strong and complete a case as possible for despatch of these reinforcements. Defence Committee would then be in a position to decide whether undoubted risks must be accepted in other areas in order to provide reinforcements for India.

4. What we want is an appreciation from you marshalling all the facts together and giving full and firm reasons for requiring reinforcements. You should also state what the situation may be if these reinforcements do not come.

5. In the event of three British Brigade Groups not being available, you should make clear the extent to which two Brigade Groups or even one Brigade Group would meet your requirements, and, also, since it would be easier to

[1] No. 365.

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provide and send Infantry Brigades rather than Brigade Groups, extent to which you could accept Brigades without ancillary arms.

6. You may think it desirable to ask Viceroy whether he could reinforce your military appreciation by a political appreciation leading to similar conclusion. Main point is that we must have full and adequate reasons given by India in order to support our recommendations to Defence Committee. Obviously the sooner your appreciation can reach us the better.

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Sir A. Rowlands to Sir D. Monteath (Extract)

Telegram, L/F/7/2866: f 362

IMMEDIATE NEW DELHI, *5 February 1946, 8.50 pm*
Received: 5 February, 7.30 pm

1236.
5. I have however been impressed by the very deep anxiety which has been induced in the minds of most people out here by (A) the suggestion made by Mr Churchill and Sir John Anderson in the recent debates in Parliament[1] that India's sterling credits should be drastically reduced on the ground that they are not commercial debts, by (B) articles in the English press to the same effect, and by (C) the absence of any public indication about the date by which H.M.G. would be in a position to open negotiations with India.

6. As to (A) and (B), what the Congress M.L.A.s. are seeking is a public statement now and in advance of negotiations that H.M.G. have no intention of suggesting any reduction in India's sterling credits, in other words, they want a renewal of the Keynes' pledge in Washington,[2] on which they keep on harping, that obligations honourably incurred would be honourably discharged.

7. As to (C), I have explained to them in vain that it was I who have been mainly responsible for a postponement of negotiations until after the elections out here are over and until we see whether we shall then get an Indian Finance Member.

8. As to (A) and (B), I take it that H.M.G. would be reluctant to make any announcement at this stage. As to (C), it would greatly help if the Treasury could tell us that they expect or hope to be in a position to begin negotiations with India by May or June at the latest. If they could go further and say that

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they would be willing to accept the proposal which I have already made to you that the negotiations should take place in India, it would create a most excellent impression.

[1] See *Parl. Debs.*, 5th ser., H. of C., vol. 417, 12 and 13 December 1945, cols. 448–9, 720–1.

[2] The reference is to a Statement made by Lord Keynes at the Bretton Woods Conference on 10 July 1944 in which he said: 'When the end is reached and we can see our way into the daylight we shall take it [the sterling balances question] up without any delay, to settle honourably what was honourably and generously given.' L/F/7/2866: f 378.

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Sir A. Clow (Assam) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/139: f 114

No. 205. GOVERNMENT HOUSE, SHILLONG, *5 February 1946*

11. Saadulla, discussing the provincial elections generally, said he regarded the Punjab as the crucial one. If the Muslim League did not get at least 80% of the Muslim seats he felt that the Pakistan demand would have to be withdrawn. But, independently of this, he made the interesting observation that he thought that, provided the federation was confined to British India, the Muslims would consider coming in. The inclusion of the States, he said, would swamp them hopelessly. I am sure that he is not, at heart, a believer in Pakistan—few Assam Muslims are—but he has had to support the idea publicly.

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Sir D. Monteath to Lord Pethick-Lawrence

MSS. EUR. D. 714/74

5 February 1946

Secretary of State

Attached is a note[1] by the War Staff as to the viability of Pakistan from the strictly military angle of the forces required to meet its defence problems.

The note proceeds on the assumptions—

(a) that Western Pakistan will not include the districts of the Punjab in which the non-Muslim population is preponderant; so that Sikhs, Dogras and other non-Muslim elements recruited in the Punjab to the army, as it is at present, are excluded from the calculation of manpower available;

[1] This note forms Part 2 of No. 427, pp. 955–961.

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(*b*) that Assam, which would be cut off from Hindustan by the preponderantly Muslim area of Eastern Bengal, will be included in Eastern Pakistan;

(c) that, somehow or other, Western and Eastern Pakistan will be welded together into a single administrative unit for military purposes. This is a rather big assumption and its practicability from the military angle would depend on the acquisition from Hindustan of a right of way for military movements from one part of Pakistan to the other in the way of reliefs, transit of equipment etc. If this assumption were not made and, as would seem more probable, Western and Eastern Pakistan exist as separate units, administratively and financially, but united by something like a treaty arrangement for policy purposes, it seems clear from this note that Eastern Pakistan would be incapable of coping with its defence problems except to the limited extent that it might raise and maintain locally the five battalions of Assam Rifles required for the control of tribal areas.

The heavy cost of defence might be reduced to some extent if armed police were substituted for the battalions required for internal security, and it is of course possible that, granted amicable arrangements[2] between Pakistan and Hindustan, the latter would be prepared to accord to the former some financial grant-in-aid in view of the interest of Hindustan in adequate defence measures on the North-west Frontier of India. The requirements of "defence in depth", particularly in relation to air bases, suggests the necessity of some such amicable arrangement between Hindustan and Pakistan which would also be required for the passage of military equipment through Hindustan to Pakistan.

D. T. M.

[2] [Note in original:] If these cannot be assumed the forces required to defend a Hindustan–Pakistan frontier would constitute a very considerable addition.

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Mr Turnbull to Mr Clauson

L/P&S/13/1827: f 299

5 February 1946

Mr. Clauson,

It seems to me that the three Ministers will have to consider pretty closely the line they are going to take on the States question, and what their stopping point is. The issues are very clearly set out in the memorandum to the India Committee on this collection (I.B. (45) 14)[1] but obviously right at the outset the

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States will say, as they did to Sir Stafford Cripps in 1942 "What is the position about our Treaty rights?" The answer given in 1942 was that H.M.G. would stand by their Treaty obligations to non-acceding States. It seems quite clear that as regards internal protection this obligation cannot be fulfilled if one or more self-governing units come into being, while the Treaty obligation as regards external defence is apparently dependent on a general defence agreement between the U.K. and the new Indian union or unions.

I see the point that it weakens the States in the Constituent Body if anything is said publicly to the effect that the Treaty rights will not be maintained, but of course the Congress may ask the question as well as the Princes and it will not be easy to give a secret warning to the Princes only. Moreover, presumably the extent to which H.M.G. could, if they decide to do so, implement the Treaties in the new conditions, will depend on the number and character of the States which accede to the union.

It therefore seems to me that we ought to take up all this at the point where the India Committee left it and put it up to the Big Three, and no doubt subsequently to the India Committee and the Cabinet, before the Mission goes out. It was contemplated earlier that steps would be taken at the time of the Viceroy's preliminary conversations, but these have now been rolled up in the Mission. To my mind we ought to prepare now a statement which can be made at any time in the conversations or thereafter, and get at any rate its broad line approved by the Cabinet before the Mission goes out. As regards external defence, is there not any way of sublimating the Treaty obligation now in the United Nations Security Agreement? Could we not say that this is superseded by H.M.G.'s general obligations? If we do, I suppose we have to be ready with an answer to those States which claim the return of their ceded territories.[2]

F. F. T.

[1] No. 137.

[2] The note which Mr Clauson produced in response to this minute was circulated as Cabinet Delegation to India Paper C.D.I. (5) of 15 February; i.e. No. 434.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/23

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI, *5 February 1946*

Many thanks for your letter of the 25th January.[1] Before I proceed to more serious matters I must tell you a true story of the interview between the M.P.s'

[1] No. 371.

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Delegation and Gandhi. The Members of the Delegation sat round in a circle and Gandhi sat on the floor as usual. There was a fairly long discussion and at the end it seemed suitable that Professor Richards should make a few remarks. He cleared his throat and started in his own pleasant modest way: "Well, Mr. Jinnah, . . ." There was a horrified pause which was broken by Gandhi bursting out laughing and all was well in the end. I should think that the story will get around India fairly quickly but no harm will be done.

2. I need not write to you at length about the food situation as Srivastava and the others will soon be with you in London to represent our needs. I am grateful for all the support you have given us in the past and I know you will do all you can for us at this particularly critical time. We have still had no rain in Northern India and Glancy reports the opinion of an I.C.S. officer who has served for 35 years in the Punjab that the *rabi* crop is the worst he has even [ever] seen. Glancy goes on to say that he does not think the Punjab will be able to produce any substantial exportable surplus in the next *rabi* year. It is perhaps too early to accept quite such a gloomy prophecy on its face value but the Punjab would normally be expected to produce an exportable surplus of a million tons or so in the next *rabi* year, and if it fails by even half that amount it will be a very serious thing.

I will telegraph to you my impressions of the position in southern India at the end of my visit to Mysore which is fixed for February 6th to the 9th.

I had to press Srivastava to go to London himself in spite of the original decision that Mudaliar should lead the Delegation. I think it is important that Srivastava should go and should put the case himself with Mudaliar to help him and support him. Mudaliar does not know the latest situation except on the evidence of reports and statistics, and in a matter as vital to India as this I think we should send the Member in charge. I hope Hutchings will be able to come back soon from London; Srivastava need not take him to Washington, I imagine.

We are of course urgently considering here questions such as reductions of rations, the increase in the production of subsidiary foods, such as vegetables, and the organisation of transport. We shall probably set up a Co-ordination Committee in Bangalore with a permanent staff, and may have to arrange for a similar Co-ordinating authority in Delhi.

I am afraid it is no use to hope that the political leaders will set aside party politics for the time being in face of this crisis—perhaps the most serious that has faced India for many years—and co-operate with the Government and one another in helping to arrest disaster. They are, I am afraid, more likely to make party capital and propaganda out of it; against one another and the Government.

3. As you know, the Congress will form a Ministry in Assam which looks less and less like a reasonable component of Jinnah's Pakistan. At the moment

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it appears probable that there will be an anti-League Coalition Government in Sind, but I doubt very much whether the Congress have been wise in their tactics in Sind. It is known everywhere that the Syed Group have devoted their efforts to commanding the highest price and that Syed himself if he accepts the Premiership will be a bought man. And not a stable one.

4. The new President of the Assembly created a bad impression by giving his casting vote against the Government in the debate on the Bretton Woods Agreement. I think he probably did this in ignorance of the usual convention governing the use of the Speaker's casting vote. Since that incident I am told that he has made a great effort to appear impartial, and if anything has been hard on the Congress. The *Hindustan Times* did him a disservice in publishing two days after his election a photograph of the new President sitting in the middle of a group of the Congress Party in the Assembly. I think the photograph was taken immediately after the election, but it certainly should not have been published.

5. The debate in the Assembly on British recruitment to the I.C.S. and the I.P. was fairly bitter, and I send by this bag a leader from the *Hindustan Times* on the subject. The answer to all the criticisms is of course that as soon as India can agree on a constitution, she need have no more British recruitment to the Services if she does not want it. Thorne, who spoke for the Government, emphasised this point, but the opportunity for criticism was too good to be missed.[2]

6. The hero worship of the I.N.A. men continues, and I send by this bag an illustration showing Shah Nawaz receiving a civic address in a casket from the Mayor of Calcutta.

7. Thank you for your letter of the 24th January[3] about Hyderabad. I have had a talk with Monckton and will let you have the appreciation you want, though I am afraid there will be a good deal of guesswork in it. I shall see Monckton again when he passes through Delhi on his way home on the 9th.

8. You asked me in your letter of the 11th January[4] whether any of the Princes who had handed over private aeroplanes for Government use during the war were feeling sore that they had not been replaced. Only three Princes lent aircraft, and of these only one, the Nizam, has yet raised the question of replacement; steps are being taken to give him a suitable machine instead of the lent one which is now unserviceable. Apart from these loans, many Princes

[2] In tel. 1244 of 5 February, the G. of I., Home Dept. sent the S. of S. the text of a question for answer in the Assembly which, *inter alia*, asked whether Lord Pethick-Lawrence was holding in abeyance the proposed scheme for the recruitment of European officers to the I.C.S. and I.P. In tel. 2891 of 9 February, the S. of S. explained to the G. of I., Home Dept. why he intended to proceed with the proposed scheme. L/PO/10/26.

[3] No. 377. [4] No. 351.

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made gifts of their planes to Government, and Political Department have heard nothing to suggest that there are any complaints. The matter has never been raised with me.

[Para. 9, concerning an offer of a Medical Mission to the Burma Government, omitted.]

10. Most of the Parliamentary Delegation are now staying with me. I have had one talk with them and will have another this evening, after which I will send you a telegram giving my impression of their views. They have certainly done their utmost to avoid causing me any sort of embarrassment and I am most grateful for their helpful attitude throughout.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/PO/6/102c: f 259

BANGALORE, *6 February 1946, 7.5 pm*
Received: 6 February, 6.40 pm

22-S.C. I have had interesting discussions with Parliamentary Delegation. I doubt whether they will reach unanimous opinion on political policy. I suggested to them that it would be unnatural if they did so. Some are more impressed with Congress case, some with League case. All seem to recognise that problem is an extremely difficult one and I think there is general acknowledgement of two facts: (1) that communal trouble is not invented, and (2) that there is no desire on the part of British out here to prevent a settlement. Munster feels that whole atmosphere has changed since he was last here and that it is impossible not to take notice of intense surge of nationalism throughout the East. Wyatt seems to have made more careful study of political problems than others, but so far he does not suggest that he has found ideal solution. I think they all feel that Pakistan issue will have to be faced at an early stage in any discussions.

2. I expect some of them would like the opportunity of a full dress debate in the House in order to air their views and experiences. You will know better about this than I do, but from Indian point of view I think a debate in the House before negotiations start is definitely not, repeat not, desirable.

3. Chorley and Sorensen show signs of making trouble about detenus on their return. I have tried to indicate that we are being as liberal as we can and that the point of view of Provincial Governments who are responsible for law

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and order cannot be disregarded. I heard no reactions about election in Punjab or elsewhere.

4. The delegation have been most careful to cause no embarrassment here, and I have thanked them for their helpful attitude. They leave Delhi by air on February 9th.

5. I think they are satisfied with arrangements made for them and recognise that they have had full opportunity to see what they wished.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/PO/10/18: ff 236–7

PRIVATE *6 February 1946*

29. Dorman-Smith has sounded me privately about having representative of the Government of Burma at Delhi. He considers that such an appointment would have very favourable political effect in Burma and I am myself disposed to view it sympathetically. As you know, Government of Burma have at present in Calcutta a (European) representative on a temporary footing to deal with miscellaneous matters, but his post is temporary and will be terminating very shortly.

2. I recognise of course that a Burman representative in India might not have a great deal to do since Burmans and Burmese interests in India requiring protection are few. But there are political arguments from the Burman angle which will be present to you; apart from that there is I think an arguable case on administrative grounds for some Burmese official agent of the Government of Burma at the headquarters of the Government of India, who would correspond in status etc. to the Government of India's representative in Burma, and who could undertake general representational duties, act as might be appropriate as channel of communication between two Governments and look after Burman interests in India (including any appropriate functions in regard to exports from Burma of kind normally undertaken by a Trade Commissioner). On occasions he might I suppose form additional channel for handling questions of Indian immigration into Burma, and his presence might not only help to maintain good relations between the two Governments but would serve as a constant reminder that Burma is a separate political entity with interests of her own.

3. Before I say anything more to Dorman-Smith, who has raised the matter in a purely preliminary and general way, I should be grateful for your personal

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reactions to the above. I should prefer you not to consult any members of your Council or Departments at this stage. My idea, subject to your views, would be to ask Dorman-Smith to consider appointment on above lines and if he agrees to put up to me official proposals. I have in mind very small office with minimum staff needed to give representative adequate assistance. If Treasury (who have in present circumstances to find money) agree, Government of Burma could then approach your Government officially.

4. The style of proposed representation would need consideration. It would appropriately correspond with that of the Indian post in Rangoon. I should prefer to keep title of High Commissioner in reserve for later developments. If I am right in thinking Mehta is officially styled Representative, perhaps that would be best. Alternatively incumbents of both posts could in future be styled Agent-General. Have you any views on this?

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Lord Pethick-Lawrence to Mr Attlee

R/30/1/6: ff 44–8; L/P&J/8/525: ff 173–5

TOP SECRET INDIA OFFICE, *6 February 1946*

Secretary of State's Minute: Serial No. 13/46

Prime Minister,

I attach for your consideration a draft announcement to be made simultaneously in the Commons and the Lords, announcing the decision to send three Ministers to India. We told the Viceroy that he would be given an opportunity to comment on the text and if you approve it I will telegraph it to him forthwith. I have sent a copy of this minute to the President of the Board of Trade and the First Lord of the Admiralty.[1]

The Parliamentary Delegation to India is expected back on the 13th or 14th. It would be unfortunate to have a Debate on India but there may be considerable pressure for it after their return. I judge myself that there would be more hope of avoiding a Debate if this announcement were made before the Delegation gets back. Moreover, we do not want to appear to have been driven into this decision by the Delegation's representations.

A number of difficult questions may be asked by way of supplementary. I enclose on a separate sheet a list of these, some of which may be put in either or both Houses. You will probably wish to discuss the appropriate answers with me some time before the Statement is made. Nos. 5 and 7 are probably the most important.

It has been suggested to me that the Lobby correspondents should be seen by you or by me or both of us immediately following the statements, and that

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I should have a press Conference next day for the Empire and Indian correspondents. If you could spare the time to see the Lobby yourself I think it would be a very good thing.

When Morrison made the Statement about the Parliamentary delegation I think we afterwards agreed that it would have been better to have revealed the facts to the Opposition longer in advance. I suggest that Eden and Cranborne be informed of the substance of the present statement a reasonable time in advance.

PETHICK-LAWRENCE

Annexure to No. 402

TOP SECRET

DRAFT ANNOUNCEMENT

The House will recall that on 19th September 1945 on his return to India after discussions with H.M.G.,[2] the Viceroy made a statement of policy, in the course of which he outlined the positive steps to be taken, immediately after the central and provincial elections to promote, in conjunction with the leaders of Indian opinion, the early realisation of full self-government in India. Those steps include:—

(1) Preparatory discussions with the elected representatives of British India, and with the Indian States, in order to secure the widest measure of agreement as to the method of framing a constitution;
(2) The setting up of a constitution-making body; and
(3) The bringing into being of an Executive Council having the support of the main Indian parties.

The elections at the centre were held at the end of last year and in some of the provinces they are also over and responsible governments are in process of formation. In the other provinces polling dates are spread over the next few weeks. With the approach of the end of the electoral campaign H.M.G. have been considering the most fruitful method of giving effect to the programme to which I have referred.

In view of the paramount importance not only to India and to the British Commonwealth but to the peace of the world of a successful outcome of the discussions with the leaders of Indian opinion H.M.G. have come to the conclusion that it is essential from the outset to associate with the Viceroy a special

[1] The membership of the Cabinet Mission had evidently been decided by this date. The records of the Prime Minister's Private Office throw no light on the actual processes of selection following Lord Pethick-Lawrence's minute of 29 January [No. 388] though showing that Lord Pethick-Lawrence was among those present at a lunch given by Mr Attlee that day. Mr Attlee also saw Mr Alexander on 4 February.

[2] No. 116.

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mission of the Cabinet to facilitate a settlement on principles and procedure relating to the constitutional issue.

Accordingly, with the approval of His Majesty the King, and with the full concurrence of Lord Wavell, H.M.G. have decided that the Secretary of State for India, The President of the Board of Trade, and the First Lord of the Admiralty shall proceed to India for this purpose towards the end of March.

I feel sure that the House will give its support and goodwill to the Viceroy and to the Ministers who will be associated with him in these discussions, in which the future of 400 million people and crucial issues both for India and the world will be at stake.

QUESTIONS WHICH MAY BE ASKED BY SUPPLEMENTARY

1. With whom will the discussions be conducted?
2. How are the representatives of the Provinces to be selected?
3. How long will the Ministers remain in India?
4. To what extent will the Mission be authorised to commit His Majesty's Government?

4A. Will Ministers be empowered to agree to the establishment of a Constitution-Making Body which does not include some important element in India?

5. Can an assurance be given that Parliament will not be committed in advance to implement whatever constitution may emerge from a constitution-making body set up as the outcome of the conversations?

5A. What opportunity will Parliament have to examine the Treaty contemplated in the 1942 Offer before it is concluded?

6. Will H.M.G. give an assurance that, in accordance with the undertaking which has been given, Muslims and other minorities will not be coerced into a constitution with which they disagree?
7. Can an assurance be given that the Ministers will not be authorised to modify or repudiate the treaty obligations of the Crown to the Indian States?

403

Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/P&J/10/89: ff 183–90

No. 592/29 VICEROY'S CAMP, BANGALORE,
6 February 1946

My dear Pethick-Lawrence,

I enclose Rau's first drafts of treaty provisions relating to Defence, External Affairs, Protection of Crown Servants and Relations with Indian States. These

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will of course need a great deal of scrutiny before they are ready to be used as material for negotiations, but they, and the notes with them, will indicate on what lines we are working.

2. Drafts[1] on Minorities and Finance are expected to be ready in a few days and I will send them on at once.

3. I need only comment on one point now. In the note on item 5 of the Defence draft Rau mentions the setting up of a Defence Council as a probability. I am not sure that I agree with him. Though a Defence Council may be desirable where different Ministers are responsible for different services (Army, Navy and Air Force), our set-up is likely to include a single War Member, so that the right sort of co-ordinating authority will I think be a Committee of Defence as already approved by me[2] and described in detail by Coates to Mayne in a recent letter.[3] Such a committee will co-ordinate civil and military activities, co-ordination of the fighting services being already secured by the War Member (and probably a Supreme Commander under him).

Yours sincerely,
WAVELL

Enclosure to No. 403

REFORMS OFFICE, *9 February 1946*

NOTE

This is a first attempt at framing a Treaty between the U.K. and India of the character mentioned in the Draft Declaration brought out by Sir Stafford Cripps in 1942. It will have to be very carefully scrutinised from more than one point of view before it can be regarded as satisfactory. It is possible that too much has been put in under certain heads and too little under others and the wording may require revision throughout. The draft must not therefore be looked upon as anything more than a first attempt in an unexplored region.

ARTICLES OF AGREEMENT FOR A TREATY BETWEEN THE UNITED KINGDOM AND INDIA

Term of Treaty. 1. This Treaty shall be in force for a term of . . . years from the commencement of the new Constitution Act (hereinafter referred to as the date of the Treaty).

[1] On 13 February Mr Abell sent Mr Turnbull a print which included Sir B. N. Rau's first drafts of treaty provisions relating to minorities and finance. R/3/1/107. This print is reproduced as the Enclosure to the present letter.

[2] See Enclosure to No. 383. [3] Not traced in India Office Records.

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Defence

British Forces forming part of Commonwealth Strategic Reserve.

2. If His Majesty's Government in the United Kingdom (hereinafter referred to as the British Government) request and the Government of the Indian Dominion (hereinafter referred to as the Indian Government) agree that British Forces (i.e., armed Forces raised by the Crown in the United Kingdom) be stationed in India as part of a Commonwealth Strategic Reserve,—

(1) Such Forces shall be under their own Commanders who shall be appointed by the British Government and who, so far as training, establishments, promotions, postings and equipment are concerned, shall be responsible to the British Government, either directly or through the appropriate Commander-in-Chief in India as may be mutually agreed between the two Governments.
(2) Such Forces shall be under the Supreme Commander in India for purposes of local administration and service discipline.
(3) Such Forces shall be subject to the jurisdiction of the ordinary courts in India, both civil and criminal, to the same extent as British Forces in India are at the date of this Treaty.
(4) Such Forces shall at all times be at the disposal of the British Government and shall not be available to the Indian Government, except by agreement or arrangement general or special, between the two Governments.

(These are the provisions suggested by His Excellency the Commander-in-Chief. The subject matter of sub-clause (1) above is still under consideration by the Re-organisation Committee recently set up in India and cannot, therefore, be finally drafted at this stage.

What is the legal position at present? Presumably any British Forces stationed in India would fall to be governed by the U.K. Army Act, unless India is formally added to the list of Dominions in the Statute of Westminster and section 4 of that Statute prevents the Annual Act of Parliament, which continues the Army Act from year to year, being extended to India without India's consent. Assuming this to be the case, the question arises whether there is anything in the suggested Treaty provisions inconsistent with Dominion Status. The answer, broadly speaking, would appear to be No. Both in the United Kingdom and at least in some of the Dominions, such as Canada and South Africa, there are various "Visiting Forces Acts" whose effect is to place such Forces for internal administration as well as discipline under the courts and authorities constituted by their own law. As an example, we may take Act XXXII of 1932 of the South African Parliament. In that Act "Dominion" is

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defined as including the United Kingdom, Canada, Australia, etc. A "visiting force" is defined as any Naval, Military or Air Force at any time present in the Union with the consent of the Government of the Union. Section 7 (1) of the Act provides that it shall be lawful for the service courts and authorities—that is to say, the Naval, Military, and Air Force courts and authorities—of the Dominion concerned to exercise within the Union in relation to members of a visiting force of that Dominion, in matters concerning discipline and in matters concerning the internal administration of the force, all such powers as are conferred upon them by the law of the Dominion. Then there is section 8 (1) which provides that the Governor-General of the Union may, by proclamation in the Gazette, authorise any Government Department, Minister of the Crown, or other person in the Union, to perform, at the request of such authority of the Dominion in question as may be specified in the Proclamation, but subject to such limitations as may be so specified, any function in relation to a visiting force and members thereof which that Department, Minister or person, performs or could perform in relation to a Union force of like nature to the visiting force, or in relation to members of such a force, and for the purpose of the exercise of any such function any power exercisable by virtue of any law by the Minister, Department, or person, in relation to a Union force or members thereof, shall be exercisable by him or them in relation to the visiting force and members thereof: provided that nothing in the sub-section shall authorise any interference with the visiting force in matters relating to discipline or to the internal administration of the force. There are also special provisions for temporary attachment of the visiting force to a Union force as also for occasions of joint action. The net result of these provisions appears to be that the visiting force except when attached to, or acting in combination with, a Union force is autonomous in matters relating to discipline and internal administration. The proposed Treaty provisions make the Commonwealth Strategic Reserve "autonomous" only for purposes of training, etc., but place the Force under the Supreme Commander in India for purposes of discipline and local administration. The exact scope of this subordination will have to be defined in fuller detail. The Treaty assumes that there will be a Supreme Commander in India under the new régime, and the assumption is doubtless based on good grounds. But time may bring about changes in this respect. The office of Commander-in-Chief was abolished in England in 1904 and his powers transferred to the Army Council. There is an Order-in-Council defining the duties of the Army Council and among other things, that Order empowers the Secretary of State to assign specific duties to specific members of the Council: matters relating to discipline have thus been assigned to one of the Military Members. Presumably the intention is that if there should be a similar development in India, then, when the Treaty falls to be renewed, the clause relating to the Supreme Commander will be suitably modified.)

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Indian Forces stationed in British territory outside India.

3. If any Indian Forces (i.e., armed Forces raised by the Crown in India) are at any time stationed in any part of His Majesty's Dominions outside India by agreement between the Indian and British Governments—

(1) Such Forces shall be under their own Commanders, who shall be appointed by the Indian Government and who so far as training, establishments, promotions, postings, and equipment are concerned shall be responsible to the Indian Government either directly or through the appropriate officer in that part, as may be mutually agreed between the two Governments.
(2) So far as local administration and service discipline are concerned, such Forces may be under the authority exercising supreme command in the territory where they are stationed to the same extent as similarly-stationed British Forces.
(3) Such Forces may be subject to the jurisdiction of the ordinary courts in the territory where they are stationed, both civil and criminal, to the same extent as similarly-stationed British Forces.
(4) Such Forces shall at all times be at the disposal of the Indian Government and shall not be available to the British Government except by agreement or arrangement, general or special, between the two Governments.

(This is intended to carry out the suggestion in paragraph 8 of H.E. the Commander-in-Chief's note[4] regarding Indian Forces employed outside India, e.g., in Burma or Aden. It is assumed that the territory where they are employed is under the control of the British Government and that any legislation which may be necessary for that territory to implement the provisions of this Article will be enacted by Parliament.)

4. Nothing in this Treaty is intended to or shall in any way prejudice the rights and obligations which devolve or may devolve upon either of the two Governments under the United Nations Charter.

(This corresponds to similar Articles in the Treaties with Iraq and Egypt. It is necessitated by certain Articles of the United Nations Charter, particularly those relating to Regional Arrangements in Chapter VIII of the Charter. The Charter is not quite clear on one point. Suppose, for instance, India has grounds for fearing aggression from Russia and under Article 35 of the Charter brings the situation to the attention of the Security Council. The Security Council will not be able to take any decision under Articles 39, 41 and 42, if Russia interposes its veto, as it is likely to do in the circumstances. (See Article 27 (3)). Thus the United Nations Organisation will be unable to act; is action outside

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the Organisation permissible? The Charter does not make it quite clear whether such a case would be covered by the liberty allowed to Regional Associates (Article 52 to 54) or by the reservation of "the inherent right of individual or collective self-defence" (Article 51). It may be pointed out that under Article 53 no enforcement action can be taken under Regional Arrangements or by Regional Agencies without the authorisation of the Security Council, an authorisation which cannot be obtained without the concurrence of every permanent member including Russia. The precise scope and effect of the provisions of the Charter being doubtful, all that can be said is that the provisions of the proposed Treaty shall not be deemed in any way to prejudice the rights and obligations devolving upon the parties under the Charter.)

British units and personnel loaned to the Indian Government for service in the Indian Armed Forces and serving under the control of the Indian Government.

5. If the Indian Government request the loan of British units and personnel for the local defence of India and if the British Government agree to the request, the units and personnel so lent shall be under the command and administration of the Supreme Commander in India and at the disposal of the Indian Government.

(This is the form of the provision suggested by His Excellency the Commander-in-Chief. The Supreme Commander will doubtless be under the Dominion Minister for Defence who has to be responsible for policy to the Legislature. As already indicated, one of the earliest developments in India under the new Constitution is likely to be the establishment of a statutory Defence Council as in the other Dominions, which, without impairing the responsibility of the Defence Minister for policy, will enable him to assign specific functions to specific members of the Council so as to leave the day-to-day administration to members with the requisite technical knowledge and experience.

The conditions of service, etc., of the loaned personnel will be determined by agreement at the time of the loan: H.E. the Commander-in-Chief contemplates that such an agreement should define clearly not merely the conditions of service of the personnel, including representation on headquarter-staffs, but also the circumstances in which they should or should not be employed in certain contingencies, such as, internal disturbance or wars in which the British Government may not be involved. If a breach of the agreement has occurred or is apprehended, representations will doubtless be made to the Dominion Government through the British High Commissioner in India.)

[4] Presumably the reference intended was to para. 6 of the Enclosure to No. 383.

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British personnel, both officers and other ranks, in the Indian Armed Forces.

See Article 9 (1) and (2) (*iii*).

(H.E. the Commander-in-Chief's note in this connection runs:—"The creation of an autonomous Government in India involves a radical change in the conditions of service of British officers who are in regular Commission in the Indian Army and the Royal Indian Navy. If the future Government of India desires to retain them and the officers themselves are willing to continue in its service, it will be necessary to protect them either by a Treaty or by an appropriate provision in the Constitution Act. Equally, if the Government of India do not desire to retain them or the officers themselves elect not to continue in its service, they should be given the option of transferring to the corresponding British service or, where this is not possible, suitable retiring terms. Similar arrangements for British other ranks serving in the Indian Army will also be necessary." If the officers or men elect to continue in service, a provision necessary to protect them would be more appropriate in the new Constitution than in the Treaty, as it is concerned with internal administration. Where, however, they are discharged or they elect to retire in consequence of the change of government, payment of adequate compensation to them should be provided for in the Treaty, as they cease to be in Indian service. See Article 9 (1) and (2) (*iii*) for the necessary provision.

Assuming that some officers and other ranks elect to remain in the Indian Armed Forces after the change of government and assuming that suitable provision is made for their protection, the question has been raised how the provision is to be enforced in the event of a breach. Similar questions will doubtless arise in connection with the working of other protective clauses. If India is to have full Dominion Status, the only remedy in the last resort (short of force) is diplomatic pressure through the British High Commissioner in India. In order to enable the British High Commissioner to keep in touch with what is going on around him, it has been suggested that he should have military and air force officers attached to his staff. It is said that this would not be an innovation so that no new principle is involved.)

6. The exemptions, immunities, and other privileges conferred by or under any law relating to taxation, buildings, and other matters in force in India at the date of this Treaty upon or in respect of the personnel of, or the equipment, stores, or buildings required for, the Defence Forces of the Crown in India shall continue to be in operation as regards British units and personnel stationed or serving in India.

Provided that similar exemptions, immunities or privileges shall be in force as regards Indian units and personnel stationed or serving in territories under the control of the British Government.

(There are various exemptions in respect of military stores and equipment

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under the Sea Customs Act, 1878; there are certain immunities in respect of defence personnel and Government buildings conferred by or under the Municipal Taxation Act, 1881 and the Government Buildings Act, 1899. There may be others. All these are continued by this Article, on a reciprocal basis, for the term of the Treaty.)

External affairs and mutual defence

Defensive alliance between the U.K. and India.

7. Should any dispute between India and a third State produce a situation which involves the risk of a rupture with that State, the Indian and British Governments will concert together with a view to the settlement of the dispute by peaceful means in accordance with the provisions of the Charter of the United Nations and of any other international obligations which may be applicable to the case.

8. Should, notwithstanding the provisions of Article 7 above, either of the two Governments become engaged in war, the other Government will, subject always to the provisions of Article 4 above, immediately come to its aid in the capacity of an ally. The aid of the Indian Government in the event of war, imminent menace of war or apprehended international emergency will consist in furnishing to the British Government on Indian territory all possible facilities and assistance in its power including the use of its ports, aerodromes and means of communication.

(These Articles follow similar ones in the Treaties with Egypt and Iraq: but the question arises how far they are consistent with the statement in Sir Stafford Cripps' Draft Declaration that the Treaty will not impose any restriction on the power of the Indian Union to decide in the future its relationship to the other Member States of the British Commonwealth. To say, that if the British Government becomes engaged in war, the Indian Government will immediately come to its aid in the capacity of an ally might at first sight appear to be inconsistent with the Draft Declaration, because it restricts the power of the Indian Government to decide its relationship to the British Government in the event of war. If, however, the Indian Government found itself engaged in a defensive war against a power like Russia it might, for at least a term of years, be compelled to seek the assistance of the British Government in repelling aggression. But India cannot obviously expect the United Kingdom to step forth to her rescue unless she undertakes a reciprocal obligation. What the proposed Article, therefore, comes to is that, for the term of years for which the Treaty holds, India voluntarily enters into a *defensive* alliance with the United Kingdom, the arrangement being necessarily subject to review at the end of the term. Looked at in this way, the Article may, on balance, be of advantage to India. The chances of India being dragged into an

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aggressive war as U.K.'s ally are negatived by the fact that the Article in question is expressly subject to Article 4 above and therefore to the Charter of the United Nations, Article 2 (4) of which provides that all members are to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations.)

Pensions, Provident Fund contributions, Grants and other sums due to certain classes of Crown servants

[*This section, i.e. Article 9 and the commentary thereon, omitted.*]

Relations with Indian States

(Under the existing Constitution the British Indian Provinces form a Federation while the Indian States are outside the Federation. Under the new Constitution, initially at least, the former may not remain as a single Federation; to start with, there may be a central group forming the main Federation; and there may be territories (the Pakistan areas) outside that Federation, although *inter se* they may wish to remain federated. For the purposes of the present draft, however, we shall take the simplest case, *viz.*, where all the British Indian Provinces continue to form a single Federation, although it is impossible to predict whether this assumption will prove correct. It will also be assumed that, to start with, all the Indian States will be outside the Federation. Even so, for reasons explained in a separate memorandum[5] it seems inevitable that if the new Federation is to have the full status and powers of a "Dominion" the functions of the Crown in its relations with Indian States must be exercised by the head of the Federation upon the advice of a Minister responsible in some way to the Federal Legislature. The responsibility may be of the British type or the Swiss type or some other type; but whatever the precise type, there will be a change from the existing position. His Majesty's Government have, however, assured the Princes in the past that no such change would be made without their consent. The problem now is to devise safeguards such that if they are embodied in the proposed Treaty between the United Kingdom and India, the Princes cannot reasonably withhold their consent. The following safeguards suggest themselves. How many of them should go into the Treaty and how many into the Constitution is a question which will require careful consideration.)

Exercise of Crown functions in Indian States by the Governor-General.

10. Subject to the provisions of this Treaty, the functions of the Crown in its relations with Indian States shall, after the establishment of the Federation, be exercised by the Governor-General.

11. (1) The Governor-General shall, after consultation with his Ministers

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and with such States as he thinks fit, appoint one of the Ministers (hereinafter referred to as the "Minister for the Indian States") to aid and advise him in the exercise of the aforesaid functions.

(2) The Governor-General shall, after similar consultation, appoint a Council of three persons to advise the Minister for the Indian States on all matters, other than routine, relating to the States so far as the Crown exercises jurisdiction in such matters.

(3) At least two of the three members of the Council shall have served in an Indian State for not less than . . . years.

((4) Any person appointed as a member of the Council shall hold office for a term of five years and shall not be eligible for reappointment: Provided that—

(*a*) any person so appointed may by writing under his hand resign his office to the Governor-General;

(*b*) the Governor-General may, if he is satisfied that any person so appointed has by reason of infirmity of mind or body become unfit to continue to hold his office, by order remove him from his office.

(5) A person for the time being holding office as a member of the Council shall not be capable of sitting or voting in either Chamber of the Federal Legislature.

(6) There shall be paid out of moneys provided by the Federal Legislature to each of the members of the Council a salary of Rs. . . . per month.)

(7) The provisions of this Article shall be subject to review and modification when representatives from Indian States begin to be admitted into the Federal Legislature.

(The main provisions of this Article are analogous to those relating to the Secretary of State and his Advisers in the Government of India Act, 1935. They are also roughly analogous to the provisions of clauses 2—4 of the Schedule to the South Africa Act, 1909. Where a unitary or Federal State has to exercise powers in or over areas not represented in the Legislature of the State, a device often adopted for ensuring the proper use of those powers is to associate with the Minister in charge a body of advisers with local or special knowledge of the areas. The provisions of clauses (4)—(6) above are probably too petty, comparatively speaking, to be inserted in the Treaty; they have been inserted in the draft in order that the full intention may be clear.)

12. Any Prince, Chief or other person who immediately before the establishment of the Federation was the Ruler of an Indian State recognised by His Majesty shall, at the establishment of the Federation, continue to be recognised as the Ruler of that State:

[5] See memorandum annexed.

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Provided that if any question arises as to whether any particular area or territory is or is not part of a particular Indian State, the Governor-General shall, upon the request of the Ruler or any of the Rulers concerned, refer it to the Federal Court for an advisory opinion.

(This read with Article 14 below amounts to a guarantee of the territorial integrity of the Indian States; the proviso is intended to apply to disputes regarding the boundary between an Indian State and any other part of India. Boundary disputes are not inappropriate subjects for judicial investigation: e.g. the Labrador Boundary Dispute which was referred to the Privy Council in 1927.)

13. The constitution of each Indian State shall continue as at the establishment of the Federation or, subject to the constitution of the Federation, as at the accession of the State to the Federation (as the case may be), until duly altered by the Ruler of the State:

Provided that the Ruler of a State which has not acceded to the Federation shall not unreasonably withhold his consent to any alterations or arrangements which the Governor-General may propose for the purpose of securing minimum standards of administration.

(This corresponds in its first part to section 106 of the Commonwealth of Australia Constitution Act and guarantees that there will be no interference by the Federation with the internal government of any Indian State. The proviso is obviously necessary in the interests of the people of States outside the Federation. It is presumed that States admitted to the Federation will already have reached or passed the minimum standards of administration. The reference in the Australian Act is, of course, to the States in the Commonwealth, which correspond to the Provinces in British India; but the principle is similar.)

14. The Federation shall protect every Indian State against external aggression and against domestic violence.

(This corresponds to section 119 of the Commonwealth of Australia Constitution Act.)

15. (1) The rights and obligations of the Crown in relation to any Indian State arising out of any treaty, engagement, or sanad or otherwise, and subsisting at the date of this Treaty shall, upon the establishment of the Federation, become the rights and obligations of the Federation.

(2) If there is any dispute between the Federation and any Indian State regarding the existence or extent of a legal right arising out of any provision of a treaty, engagement, sanad, or other similar instrument and if, before the establishment of the Federation there was no decision by His Majesty's Government or the Secretary of State or the Government of India or the Crown Representative of the same or substantially

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the same issue, then, the Governor-General shall, upon the request of the Ruler of the State concerned, refer the matter to the Federal Court for an advisory opinion:

Provided that no provision in any such instrument shall be deemed to be inconsistent with the realisation of responsible government in the State.

(The provisions of this Article may be compared with those of clause 85 of the recommendations in the Report of the All Parties Conference 1928.[6] The qualification "and if before the establishment of the Federation there was no decision . . . of the same or substantially the same issue" is necessary (*a*) because old issues once decided should not be re-opened, (*b*) because the Princes can reasonably expect to be safeguarded only against adverse decisions by the new Federation and not by the old régime. The proviso relating to responsible government is necessary because of certain prevalent misconceptions on the subject.)

16. In the event of any dispute regarding the succession to the Rulership in any Indian State, the Governor-General shall obtain the advisory opinion of the Federal Court or of a panel of such Rulers as he may think fit to appoint.

(Disputes of this kind arising out of the doubtful legality of a certain marriage or a certain adoption or the like lend themselves to judicial investigation. If, however, in these or other cases, a non-judicial tribunal is preferred, a panel of leading Rulers may serve the purpose.)

Protection for minorities

(The Draft Declaration of 1942 contemplated an Anglo-Indian Treaty which, among other things, would make provision "in accordance with the undertakings given by His Majesty's Government for the protection of racial and religious minorities". Coupland has argued that for various reasons this part of the Declaration should be reconsidered (*The Future of India*[7] pages 156, 163). Presumably, the Treaty is intended to deal with matters external to the Dominion and the Constitution with matters internal. On this view, the provisions concerning relations with Indian States in the present draft can perhaps be defended on the ground that they deal with territories which, though geographically in India, are not at the date of the Treaty units of the Dominion and are in that sense external to the Dominion. So too the provisions regarding

[6] [Note in original:] The Commonwealth shall exercise the same rights in relation to, and discharge the same obligations towards, the Indian States, arising out of treaties or otherwise, as the Government of India has hitherto exercised and discharged.

In case of any difference between the Commonwealth and any Indian State on any matter arising out of treaties, engagements, sanads or any other documents, the Governor-General-in-Council may, with the consent of the State concerned, refer the said matter to the Supreme Court, for its decision. [See also No. 270, note 5.]

[7] See No. 2, note 4.

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pensions, etc., due to retired or displaced Crown servants, as these are or will be outside the Dominion service and in all probability outside the Dominion territories. When, however, we come to the question of minorities within the Dominion, this justification disappears: we are here dealing with matters entirely internal and any provisions inserted in the Treaty under this head will in fact be so many limitations on the new Constitution. For example, one of the most effective safeguards for the protection of the minorities would be a provision that ministries both at the Centre and in the Provinces should be appointed on the Swiss plan, that is to say, after election by the appropriate legislature according to the system of proportional representation; but to insert a provision of this kind in the Treaty might be regarded as an inroad upon the functions of the Constitution-making body. So too any provision for separate electorates, or for communal quotas in the public services, or for the establishment of Minority Commissions (Sapru Report,[8] pages 259, 260) or Communal Councils (Coupland's *The Future of India* page 53). Perhaps the most that can be done in the Treaty by way of protecting minorities without too obvious an encroachment on the functions of the Constitution-making body would be to set out certain broad principles for the general guidance of the new Legislatures and Governments. What this comes to is that the Treaty should confine itself to an enunciation of what are called "fundamental rights". The following draft of these rights is accordingly suggested for incorporation in the Treaty.)

Fundamental rights

General principles for guidance of authorities in India.

17. The Legislatures, Governments, Courts and other authorities in India shall be generally guided by the principles set forth below:—

(1) All citizens of India shall be equal before the law, and there shall be no discrimination against any citizen merely on the ground of religion, caste, colour, creed or sex.

(2) No citizen shall be deprived of his personal liberty nor shall his dwelling or property be entered, sequestered or confiscated save in accordance with law.

(3) There shall be liberty for the exercise of the following rights subject to public order and morality:—

(*a*) The right of any citizen to express freely his convictions and opinions.

(*b*) The right of the citizens to assemble peaceably and without arms.

(*c*) The right of the citizens to form associations and unions.

(*d*) The right of every citizen to freedom of conscience and the free practice of his religion.

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(4) No disability shall be imposed upon any citizen, merely on the ground of his or her religion, caste, colour, creed or sex in regard to any public appointment or office, or in the exercise of any trade or calling.
(5) There shall be no discrimination in favour of or against any religion.
(6) Every religious denomination shall have the right to manage its own affairs, own, acquire and administer property, movable and immovable, and maintain institutions for religious or charitable purposes.
(7) The property of any religious denomination or any educational institution shall not be diverted save for necessary works of public utility and on payment of compensation.
(8) The culture, language and script of the various communities and linguistic areas in India shall be respected.
(9) All citizens shall have equal rights and duties in regard to wells, tanks, roads, schools and places of public resort, maintained out of Government or local funds or dedicated by private persons to the use of the general public.
(10) No form of *bègar* or forced labour shall be permitted.
(11) No court and no public authority shall, in carrying out the functions and duties entrusted to it by or under any law, recognize any custom or usage imposing a disability on any person merely on the ground that he belongs to a particular caste or class.

Financial obligations between the U.K. and India

18. Any sums due from the Indian Government to the British Government under this Treaty shall be set off against the sterling balances that may have accumulated or that may accumulate from time to time in the United Kingdom in favour of India.[9]

Annexure

MEMORANDUM
ON
RELATIONS WITH INDIAN STATES

November 1945

It has been suggested that this should be one of the matters to be dealt with in the proposed treaty between the United Kingdom and India. Coupland (*The Future of India*, page 152) prefers that any guarantees required in this connection should be embodied in the Constitution itself, as the law of the land, rather than in any treaty. Whether they are ultimately to be embodied in the treaty

[8] See No. 324, note 1.
[9] Two further drafts of a Treaty between the United Kingdom and India were prepared by Sir B. N. Rau. They were sent to the India Office on 2 May and 3 or 4 October 1946 and are on L/P&J/10/89.

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or in the Constitution, we have now to consider the question what the provisions themselves should be.

For the purposes of this memorandum it is postulated that there is to be established as soon as possible an Indian Federation with the full status and powers of a Dominion and consisting, initially, of all the existing British Indian Provinces, but that the Indian States will, initially, stand out of the Federation. The subject to be discussed is the relations of these Indian States *vis-à-vis* the proposed Indian Dominion.

Under the present Constitution the relations of the Indian States are with the Crown, discharging its functions in this behalf in India through the Crown Representative ("C.R.") and his officers, the Political Department. The office of the C.R. is at present distinct from that of the Governor-General, although both offices are held by the same person. In abstract theory it will be possible to maintain the same position under the proposed Dominion Constitution, that is to say, it will be theoretically possible to vest the functions in question in an authority distinct from the Head of the Dominion just as, for example, in South Africa, similar functions in respect of the Protectorates of Swaziland and Bechuanaland are vested in a High Commissioner distinct from the Governor-General of the Union; but there will be formidable and perhaps insuperable difficulties in practice. For example, if this external authority, whom we may continue to call the C.R., desired to implement certain Crown obligations, he would find himself without the means of doing so except with the co-operation of the Dominion Government, a co-operation which is not likely to be forthcoming if the Dominion is kept out of this field. Thus, if the C.R. required troops to be sent to a particular State to quell disorder, the Dominion might refuse to supply him with the necessary troops; and even if he were, in some way, furnished with troops of his own, the Dominion might refuse the use of its railways or other means of transport for the movement of the troops to the required place. The difficulties of furnishing him with troops and aerodromes of his own in State territory have been described by Coupland (*The Future of India*, pages 148–150). Similarly, there may be agreements in connection with railways or customs or posts and telegraphs which the C.R. will be unable to implement without the assistance of the Dominion Government. Under the existing Constitution the C.R. is in a position to discharge his functions, because (*a*) in several important matters the Central Government and Central authorities are required by the Constitution to comply with the C.R.'s requisitions, and (*b*) both the C.R. and the Central Government are at present subject to the control of the Secretary of State. For examples of (*a*), see section 145 of the Government of India Act, 1935, which requires the Federation to pay to His Majesty such sums as may be required by the C.R. for the discharge of his functions; section 198 which requires the "Federal Railway Authority" to discharge such functions in relation to railways in an Indian

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State as the C.R. may entrust to that authority; section 286 which requires the Governor-General to furnish such armed forces as the C.R. may require for the discharge of his functions, and so on. We cannot expect that provisions of this kind will find place in the Dominion Constitution (for they will be serious subtractions from "Dominion powers"), nor will the Dominion authorities, under the proposed Constitution, be subject to the control of the Secretary of State. It may therefore be impossible in practice to maintain the existing position and continue to keep all these functions of the Crown outside the Dominion field. On the other hand, any transfer of these functions to the Dominion without the consent of the Princes may be resisted by them on grounds familiar to students of this subject—see, for example, paragraph 58 of the Report of the Indian States Committee 1928–29 (the Butler Committee).[10]

We have therefore to discover some way of reconciling this conflict. The problem is not an easy one and objections can be found to almost any solution. A *via media* that suggests itself is detailed in the following paragraphs.

The first step is to transfer all the functions in question to the Dominion Government, to be exercised, in the usual way, by the Head of the Dominion Government upon the advice of a responsible Minister. Whatever qualifications and safeguards may be suggested by way of reconciling the Princes to this step, the step itself seems inevitable.

As a necessary consequence of the transfer the Constitution (or Treaty) will have to provide that the rights and obligations of the Crown under the treaties, agreements and sanads with Indian States (all of which may conveniently be referred to as "treaties"), will be the rights and obligations of the Dominion. There is, constitutionally speaking, no difficulty or inappropriateness in such a provision: for example, section 132 of the British North America Act, 1867, which is the Constitution Act of Canada, provides: "The Parliament and Government of Canada shall have all powers necessary or proper for performing the obligations of Canada or of any province thereof, as part of the British Empire, towards foreign countries arising under treaties between the Empire and such foreign countries", i.e., the pre-Dominion treaties with foreign States. Even accepting the position that all the treaties with the Indian States were on behalf of the Crown, there can be no objection to the Crown discharging its obligations through one agent rather than through another, so long as the obligations are discharged. In the well-known case Williams *v.* Howarth (1905) A.C. 551, the plaintiff claimed 10*s.* a day as his pay on a contract between him and the New South Wales Government out of which he had received only 5*s.* 6*d.* a day from the Colony and he accordingly put in a claim for the balance. It transpired that he had received the balance of 4*s.* 6*d.* a day from the Imperial Government. The Privy Council held in effect that both Governments were agents of the Crown and the Crown had satisfied its obligations through one

[10] Cmd. 3302.

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or the other of them. From the point of view of the Princes, therefore, it is immaterial whether the treaty obligations are carried out by the Crown through the Dominion Government or through a C.R. distinct from the Dominion Government, so long as they are carried out. If they are not carried out, i.e., if the Dominion Government defaults, the State concerned may, if it thinks fit, make representations through the High Commissioner for the United Kingdom in India. From the point of view of the Dominion, too, there should be no objection to accepting the treaty obligations just as Canada accepted similar obligations in the provision quoted above. In this connection, it is worth while noting that in clause 85 of the recommendations contained in the report of the All Parties Conference 1928 (often referred to as the Nehru Report) it was provided that the Commonwealth of India "shall exercise the same rights in relation to, and discharge the same obligations towards, Indian States arising out of treaties or otherwise as the Government of India has hitherto exercised and discharged".

The Princes may not however agree, without some kind of *quid pro quo*, to such a transfer of functions owing to a fear of the unknown. By way of assuaging their fears the following safeguards may be granted to them.

(*a*) A safeguard somewhat on the lines of that contained in the Schedule to the South Africa Act, 1909.

(*b*) A safeguard with regard to the interpretation of treaties. One of the complaints of the Princes even under the present Constitution has been with regard to the interpretation of their treaties. They have represented from time to time that when there is a dispute as to the meaning of a treaty provision falling within certain categories, the C.R. must, if so requested by the Ruler, refer the matter to arbitration. These representations have not so far been accepted, but we can go some way towards accepting them in connection with the establishment of the new Dominion.

Hitherto, the Crown, that is to say, the C.R. subject to the control of the Secretary of State, has been the final interpreter of the treaties with the Indian States. The principles of interpretation are now fairly well-established. The text of the treaty has of course to be followed, but in addition to the text due regard has to be paid to usage and sufferance,[11] change of circumstances,[12] and the paramount interests of the subjects of the State and of India as a whole.[13] We may further make it clear that no treaty provision shall be deemed to stand in the way of the evolution of responsible government in the States. So long as these principles (and any others that are at present being observed) are clearly understood, their application to a particular case can safely be entrusted to a judicial authority such as the Federal Court, which will doubtless be the Supreme

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Court of the Dominion. Even now, when a dispute arises as to the meaning of a treaty, the Political Department doubtless consults the Legislative Department and obtains its advice. There should be no difficulty in obtaining the advice of the Federal or Supreme Court instead. Indeed the Federal Court will be in a better position to give an opinion because it will have the advantage of hearing both sides. It is sometimes said that courts are not a proper tribunal for interpreting treaties, but courts do interpret them sometimes even now and the Supreme Court of the United States does so frequently. For example, in Forester *v.* the Secretary of State (L.R. Supplementary Volume I.A.-10) the Privy Council had to construe a treaty or agreement with Begum Sumroo made in 1805 for the purpose of deciding whether she was a sovereign princess or a mere tenure-holder. Again, in the case of Muhammad Yusuf-ud-din *v.* Queen Empress (1897) 24-I.A.-137, the Privy Council had to construe an agreement contained in some correspondence between the British Government and the Nizam of Hyderabad. Perhaps the best example of a court interpreting a treaty not merely in the light of the text of the treaty but also of usage and of national interests is furnished by the American case Whitney *v.* Robertson [1887] 124-U.S.-190. In this case the Supreme Court of the United States had to interpret a "most-favoured-nation clause" contained in a treaty between the United States and San Domingo. The Court departed from the literal meaning of the clause, after considering a similar treaty made with Denmark and the injurious consequences upon the national interests of the United States that would result from a literal interpretation. In a more recent English case Stoeck *v.* Public Trustee (1921) 2 Ch. 67 the Court did not hesitate to interpret certain provisions of the Treaty of Versailles in spite of a suggestion from the Solicitor-General that as the Treaty was an international document, the interpretation should be left to the high contracting parties. These examples should suffice to show that a court like the Federal or Supreme Court would not be an inappropriate authority to advise the Head of the Dominion Government upon the interpretation of disputed treaty provisions. All that would be required for this purpose would be a provision on the lines of section 213 of the present Government of India Act, enlarged so as to cover disputes relating to treaties with Indian States. Such a provision would not detract from Dominion

[11] [Note in original:] See paragraph 40, Butler Committee's Report.

[12] [Note in original:] See Coupland's *The Future of India*, page 147.

[13] [Note in original:] Hall's formula, with which Holdsworth (one of the signatories of the Butler Committee's Report) agrees, is that the treaties with Indian States are subject to the reservation that they may be disregarded when the supreme interests of the Empire are involved or even when the interests of the subjects of the State are gravely affected. See Holdsworth's article in the *Law Quarterly Review*, Vol. XLVI (1930), page 407 *et seq.*

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Status, while at the same time it might go a long way towards reconciling the Princes to the new order. A similar provision occurs in clause 85 of the recommendations in the Nehru Report which has already been referred to. The provision runs as follows:—"In case of any difference between the Commonwealth and any Indian State on any matter arising out of treaties, engagements, sanads or similar other documents, the Governor-General in Council may, with the consent of the State concerned, refer the said matter to the Supreme Court for its decision".

It may be pointed out that the submission of disputes as to the interpretation of treaties to arbitration or judicial settlement has now become increasingly prevalent and that most of the decisions and advisory opinions given by the Permanent Court of International Justice have involved the interpretation of treaties.

There is of course a risk (speaking from the point of view of the Dominion) that a State might rake up some ancient treaty provision and the Court might advise that it was still valid. That risk must be faced. After all, either one believes in the rule of law or one does not; if one believes in it, then it must be observed whatever the inconvenience. If the highest Court in the land after applying every known principle of interpretation, advises that a certain treaty provision is still binding, the Dominion ought not to ignore the advice. Of course issues decided by the present régime should not be allowed to be re-opened.

(*c*) A safeguard with regard to the decision of disputes as to succession. Here also, as in (*b*), the Dominion Government might be made to obtain an advisory opinion from the Federal or Supreme Court. Coupland has suggested a panel of leading Princes for the purpose, but a judicial body might be more appropriate in certain cases.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/S&G/7/904: ff 175–7

No. 125/54 THE VICEROY'S HOUSE, NEW DELHI, *6 February 1946*

My dear Pethick-Lawrence,

In my Home Department telegram No. 9840[1] of the 27th November last I referred to the apprehension of the Services regarding threats of reprisals against them for action taken during the war emergency, and especially during the rebellion of 1942. The Governors mainly concerned and I are convinced that the apprehension is real, and I have no doubt that some step must be taken

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to allay it. I fully recognise that any action in this direction taken at this juncture might create political complications, but in view of the widespread feeling of uneasiness among the Services we have to find a solution of this problem, and face any political reaction that results.

2. Of the various courses which my advisers have considered, the first is an Indemnity Ordinance to be promulgated by me before the period of emergency referred to in section 3 of the India and Burma (Emergency Provisions) Act, 1940, is terminated—i.e. before the 1st April next. I enclose a copy of a draft Ordinance[2] which has been prepared here.

3. The draft Ordinance prevents judicial proceedings being initiated against Government servants except with the previous consent of the Central or Provincial Government as the case may be. To give really effective protection to the Services employed under the Provincial Governments, for whom it is most needed, the power to sanction prosecution should be given to the Governor in his discretion or in the alternative exercising his individual judgment.[3] But my legal advisers have held that under the scheme of the Constitution Act the Legislatures in India cannot properly add to the matters in regard to which the Act provides that the Governor-General or the Governor shall act in his discretion or exercise his individual judgment.

4. This leads to the conclusion that the simplest and most effective method of meeting the situation is by indemnity legislation enacted by Parliament, under which legal proceedings cannot be undertaken against Government servants except with the previous consent of the Governor-General or the Governor, acting in his discretion, according as the person concerned is a servant of the Central or the Provincial Government. This suggestion was accepted in principle by Amery in 1943, but the formula[4] contained in Iddon's letter to my Public Secretary, No. S.&G.1755/42 dated the 6th January, 1943, is no longer adequate and will have to be amplified to meet present requirements. That formula was intended to meet the circumstances of the Congress Provinces, which were under section 93, but any measure that we take now must also cover a Province like the Punjab, whose Government has been pressing us to take action for the protection of its servants against civil and criminal prosecutions for action taken during the war emergency.

[1] L/S&G/7/904: f 196. [2] Not printed.

[3] The Government of India Act 1935 designated certain matters in which the Governor was to 'act in his discretion' and on which in consequence his Ministers were not entitled to tender advice. In certain other matters, especially in the discharge of his special responsibilities, he was to 'exercise his individual judgment'; on these Ministers were entitled, and expected, to tender advice to the Governor but, having considered it, he was free to do what he thought right.

[4] This formula was that by an addition to Section 93 of the Government of India Act, the provisions of Section 270 (which indemnified public servants for past acts) should be applied on the termination of a Section 93 régime. L/S&G/6/File 132 of 1940.

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5. I have considered whether the problem could be dealt with on a Provincial basis. When the question was considered after the disturbances of 1942, only three Governors, namely, those of the United Provinces, Bihar and the Central Provinces, thought indemnity legislation essential. Accordingly, in these Provinces (all of which were, and still are, under section 93) the Governors enacted legislation to prevent the institution of proceedings against Government servants without the previous consent of the Provincial Government. This safeguard will (subject to a question, with which I need not trouble you, that has arisen about Courts evading the necessity of the Government's previous sanction) be sufficient so long as under a section 93 administration all the functions of government are exercised by the Governor in his discretion; but difficulties will arise when a Ministry is installed in office, for then Provincial Government will in these matters be the Governor acting on advice. The resulting position will be far from satisfactory. If the Governor were to argue (as he justifiably could) that his special responsibility[5] for the Services is involved in these cases and that accordingly they must be decided in his individual judgment, the Minister, on the other hand, might contend that in the face of the express provision in the Statute conferring the power on the Provincial Government the Governor's interference would be unjustified. This might result in constant friction between the Governor and his Ministers. The chances of Ministers acquiescing in the exercise of the individual judgment power by the Governor would be much greater if the Statute itself declared that the Governor should exercise his individual judgment. In view of the legal advice referred to in paragraph 3 above, we are precluded from resorting to this method either in the Provincial Ordinances now in force or in any Ordinance that could be promulgated in future. Another objection is that this device can only apply to section 93 Provinces, whereas the protection now contemplated should also extend to those where Ministries are now functioning.

6. A further suggestion is that if a suitable opportunity offers in connection with the future political settlement, a "gentleman's agreement" might be entered into with the political parties not to harass Government servants for what has been done in the past. Legislation in whatever form, either in Parliament or here, will inevitably be construed by Congress as a hostile act, and will complicate the already difficult political problem. But if His Majesty's Government take up this question with the Congress and other parties at the time of the personal discussions which we shall be having, I hardly think the leaders are likely to be truculent. But it should also be made clear at the outset that if no agreement is reached, or if it is violated after it is reached, the Government would protect their servants by all the means in their power.

7. Thus the solutions open to us are an agreement with the political parties, Parliamentary legislation and a Central Ordinance. It is as well to be clear in

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our minds that if no agreement is reached with the political parties, the only remedy left will be Parliamentary legislation, since under our present plans Central Ordinances will from the 1st of April revert to their normal six months' duration. While I do not by any means underrate the political aspect of the question, I also feel it imperative to do something effective to protect our servants.

8. I shall be glad if you will give your very early consideration to this problem and let me have your views.

Yours sincerely,

WAVELL

[5] Government of India Act 1935, Sec. 52.

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Sir S. Cripps to Mr Attlee

R/30/1/6: ff 37–8

TOP SECRET *6 February 1946*

Prime Minister

I have seen a copy of the minute from the Secretary of State for India No. 13/46.[1]

I suggest that the third paragraph on page 2 of the draft announcement should read as follows:

> "Accordingly, with the approval of His Majesty the King, His Majesty's Government have decided that the Secretary of State for India, the President of the Board of Trade and the First Lord of the Admiralty shall proceed to India for this purpose towards the end of March. This course has the full concurrence of the Viceroy".

I think that the references to the King and the Viceroy should be separated. They are not of the same constitutional importance.

I attach also suggested answers to the Secretary of State's list of Questions which might be asked in either of the Houses of Parliament by way of Supplementary.

I am sending a copy of this minute to the Secretary of State for India.

R. S. C.

Enclosure to No. 405

SUGGESTED ANSWERS TO QUESTIONS

TOP SECRET

1. Can't say at this stage. Elections not yet over.
2. From provincial Governments and Oppositions.

[1] No. 402.

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3. Within reason until a plan has been agreed.
4. Within their terms of reference they will have plenipotentiary powers.
4A. It is not proposed before negotiations are opened to lay down any hard and fast principles by public declaration.
5. No. Parliament has already been committed to this in the offer made by the Coalition Government.
5A. The usual powers of ratification.
6. No constitution based upon coercion could succeed.
7. No. These matters will be open to discussion and negotiation with the States as all other questions relating to the future self-Government of India.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/8/525: f 103

IMMEDIATE
TOP SECRET

BANGALORE, *7 February 1946, 12.30 am*
Received: 6 February, 9.20 pm

No. 23-S.C. Superintendent Series. Your 2090 of January 29th.[1]
If compelled to indicate demarcation of genuinely Moslem areas I recommend that we should include:

(*a*) Sind, North West Frontier Province, British Baluchistan, and Rawalpindi Multan and Lahore divisions of Punjab less Amritsar and Gurdaspur districts.
(*b*) In Bengal, the Chittagong and Dacca divisions, the Rajshahi division (less Jalpaiguri and Darjeeling), the Nadia, Murshidabad and Jessore districts of Presidency division; and in Assam the Sylhet district.

2. In the Punjab the only Moslem majority district that would not go into Pakistan under this demarcation is Gurdaspur (51 per cent Moslem). Gurdaspur must go with Amritsar for geographical reasons and Amritsar being sacred city of Sikhs must stay out of Pakistan. But for this case for [of] importance of Amritsar, demarcation in the Punjab could have been on divisional boundaries. Fact that much of Lahore district is irrigated from upper Bari Doab canal with headworks in Gurdaspur district is awkward but there is no solution that avoids all such difficulties.

3. Greatest difficulty is position of Sikhs with their homelands and sacred places on both sides of the border. This problem is one which no version of Pakistan can solve.

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4. The population figures that follow are in thousands. The Punjab including Punjab States has a Sikh population of 5,116. Of these under proposed scheme 1,461 will be in Pakistan and rest in Hindustan. Of those in Pakistan a substantial number are in districts which under any arrangements are bound to be in Pakistan, e.g. Rawalpindi (64) and colony districts of Lyallpur (263) and Montgomery (175).

5. We should make it clear in any announcement that this is only an indication of areas to which in H.M.G.'s view the Moslems can advance a reasonable claim; modifications in boundary might be negotiated and no doubt the interests of Sikhs in particular would be carefully considered in such negotiations. Some such saving clause is indicated by importance of preventing immediate violence by Sikhs.

7. (Sic) In Bengal the three Moslem majority districts of Presidency division must I think be included in Pakistan, though this brings frontier across the Ganges. The demarcation includes in Pakistan all Moslem majority districts and no Hindu majority districts.

8. There is no case, consistent with the principle suggested in breakdown plan, for including Calcutta in Pakistan. The Moslems will probably try to negotiate for its being made a free port. If negotiations fail Eastern Bengal's prospects as a separate autonomous State will be seriously affected. But Moslems if they insist on Pakistan, must face up to this problem like that of Sikhs, and they may have to agree to some sort of a centre in exchange for making Calcutta a free port. This would be a welcome development.

9. The population figures of Pakistan on this demarcation would be (in thousands):

East zone: Moslem—30,602 non-Moslem—14,482 total 45,084.
West zone: Moslem—18,210 non-Moslem—5,633 total 23,843.[2]

10. Treaty. Rau's draft[3] on defence, external affairs, protection of Crown servants and relations with Indian States is being sent by next fast air mail bag. Sections on minorities and finance will follow shortly.

[1] No. 387.
[2] In tel. 378-S of 18 February, Mr Abell asked Mr Turnbull to correct the population figures in this para. as follows (in thousands): East zone: Moslems—30,603, non-Moslems 13,480, total 44,083. West zone: Moslems—18,210, non-Moslems 5,583, total 23,793. L/P&J/8/525: f 147.
[3] No. 403.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/P&J/8/525: ff 95–6

TOP SECRET INDIA OFFICE, 7 *February 1946*

My dear Wavell,

In your letter of 19th January[1] you make certain suggestions about the representation of the Indian States in the discussions preliminary to the setting up of the Constitution-Making Body. I have noticed that you commonly use in this connection the phrase "preliminary conference" and from this I infer that you envisage some sort of formal conference. This is of course not inconsistent with the statement made by you on September 19th[2] with the approval of His Majesty's Government, but in fact the phrase used in that statement was not "conference" but "discussions". I do not think that the Cabinet would necessarily feel that any *formal* Conference is an essential element of the preliminary machinery; though on the other hand I am not at present in a position to say that they would exclude the holding of such a conference if preliminary soundings showed that this would be useful. This point is being further considered and I will communicate to you later any views which Ministers may wish to express.

As regards the actual representation of the States, with which your present letter deals, I have little comment to make on your suggestions and feel that the selection of States representatives should be in your hands, in consultation of course with your Political Adviser. I would however venture to make two tentative points for your consideration. First, are you satisfied that it is possible to do without any representation of Kashmir and of the not unimportant group of Sikh and other Punjab States? I should have thought, particularly if the consideration of Pakistan is likely to be in the foreground, that it is only fair to make contact at the outset with someone qualified to speak for the northern Indian States. Secondly, the Nawab of Bhopal, in his dual capacity, seems to be rather heavily represented by this [the] inclusion in your list of both Bhore and Sultan Ahmed; but I daresay that you may feel it politically desirable to be generous in this respect.

Yours sincerely,

PETHICK-LAWRENCE

[1] No. 370. [2] No. 116.

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Mr Turnbull to Mr Blaker

L/PO/6/115: ff 204, 208–10

TOP SECRET INDIA OFFICE, *7 February 1946*

Dear Blaker,

[The first para., on the time of a meeting between Sir S. Cripps and Lord Pethick-Lawrence, omitted.]

The Secretary of State wishes me to send you for the President, the enclosed note which he has drawn up himself outlining the procedure which he thinks the Ministers might adopt in India for handling the situation. He would like to discuss this with Sir Stafford on Monday.[1]

Yours sincerely,
F. F. TURNBULL

Enclosure to No. 408

TOP SECRET

SUGGESTED CHRONOLOGICAL ORDER OF CABINET DELEGATION IN INDIA

1. Discussions with Viceroy on all points.

2. Preliminary discussions with Congress leaders and some provincial Congress representatives.

In the course of these the C.D. will propose

(*a*) Setting up the Constitution-making Body
(*b*) Entry into the Viceroy's Executive.

Congress will probably ask for assurances on (*a*) as to

(i) the method of setting it up;
(ii) our attitude towards opposition by Jinnah;
(iii) the part to be played by the States and how their representatives are to be chosen;
(iv) implementing the findings of the C.M.B.;
(v) the nature of the Treaty;

and on (*b*) as to

(i) the seats to be allotted to Congress;
(ii) our attitude towards intransigence by Jinnah;

[1] On 8 February, Lord Pethick-Lawrence, replying to a letter he had received from Mr. Alexander, invited the latter to join the discussion the following Monday, 11 February, and enclosed a copy of the note which he had sent to Sir S. Cripps. L/PO/6/115: f 203.

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(iii) the Viceroy's veto;
(iv) use of Indian troops overseas.

I suggest we give no positive answers till we have seen Jinnah.

3. Open discussion with Jinnah and other League Moslems on same lines.

Jinnah will probably say he will not touch either (*a*) or (*b*) unless the principle of Pakistan be previously conceded. I suggest we argue with him that it would be better for his adherents to take part in the C.M.B. to see what concessions they get and failing adequate assurances insist on Pakistan later. But he will probably reject this. (He has already rejected the proposal to enter the Viceroy's Executive on any numerical terms and will probably stick to this).

4. We have to approach the Princes to see what part they are willing to play in constitution-making; how their representatives are to be selected and whether they should sit in the main C.M.B. or separately.

5. We may decide at this stage to consult with representatives of Depressed Classes, Sikhs and ?Europeans, Anglo-Indians, Christians, etc.

6. In the light of these preliminary discussions we shall then have (in consultation with the Viceroy) to take our decision and lay our provisional plans.

7. I suggest that on the question of setting up the C.M.B. we say to everyone that we propose to go forward with it.

Jinnah will have 3 questions to decide:—

(i) Will he and his Moslem League representatives in the Pakistan provinces stay out of the C.M.B.?
(ii) Will he seek to prevent Moslem League representatives in the Congress or Coalition provinces from taking part in the C.M.B.?
(iii) What will he do with regard to Moslem representatives who are not members of the M.L.?

If he decides (i) in the affirmative he will probably desire to set up a Pakistan-making body.

I do not see why we should or how we could prevent this though I do not consider that we should give it equal status with the C.M.B. But we might give it reasonable facilities and it may be useful as clarifying the meaning and limitation of Pakistan.

As to participation by the States, it will be our endeavour to get them to come into the C.M.B. and to choose their representatives on as democratic a base as possible, and to get Congress to accept whatever is the final outcome. But as a last resort we may have to accept a separate body representing the States and discussing the constitution.

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As to the other points raised by Congress on the C.M.B.

(i) I have an open mind on the question of the precise means of getting it elected. Prima facie I would prefer Provincial to global election.

(iv) & (v) will have to be fully debated both before we go and in consultation with Viceroy.

8. The questions that we have to decide in advance regarding the Viceroy's executive are

(i) What allocation of portfolios we should propose between Congress, Moslem League, and others:

(ii) On the assumption that Jinnah rejects entry on any terms, how we shall fill the seats that would have gone to the Moslem League—? by other Moslems, by officials, by nominees. Apart from this how we propose to deal with other places on the Executive including the C.-in-C. In any case will Congress have a working majority on the Executive?

(iii) I do not see how we can give way on the principle of the Viceroy's veto, or that we can go very far in promising that it will not be employed. Jinnah apparently is most anxious that it should be retained.

(iv) As to the use of Indian troops overseas, I hope that this problem can be adjusted, but I have promised the Viceroy that H.M.G. will reach some proposition on this point shortly. Of course if Java is pacified before we go the sting will have been taken out of the agitation on this question, though Burma and Malaya are present in the minds of the Viceroy and Commander-in-Chief.

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Cabinet

Minutes of an ad hoc *Committee on Financial and Commercial Policy (Extract)*
GEN. 89/7th Meeting

L/F/7/2866: ff 351–5

Those present at this Meeting held at 10 Downing Street, S.W.1, on 7 February 1946 at 6 pm were: Mr Attlee (in the Chair), Mr Herbert Morrison, Mr Hugh Dalton, Sir Stafford Cripps, Viscount Addison, Lord Pethick-Lawrence, Mr G. H. Hall.

Also present were: Lord Keynes, Sir E. Bridges, Sir A. Clutterbuck, Mr E. Hall-Patch, Mr Douglas Jay, Mr H. E. Brooks

INDIA

LORD KEYNES referred to a telegram which had just been received from

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Sir A. Rowlands (No. 1236 dated 5th February)[1] which said that Congress MP's were asking for a public statement

> "now and in advance of negotiations, that His Majesty's Government have no intention of suggesting any reduction in India's sterling credits; in other words, they want a renewal of the Keynes pledge in Washington that obligations honourably incurred would be honourably discharged."

They were also anxious for negotiations to begin as soon as possible and Sir A. Rowlands thought that negotiations in India would create a favourable impression. LORD KEYNES thought that his statement at Bretton Woods on the authority of the former Chancellor of the Exchequer, namely, that there would be no unilateral writing-down of balances, might be confirmed; but it seemed to him absurd to construe it as implying that His Majesty's Government could not make any suggestion of a reduction.

THE CHANCELLOR OF THE EXCHEQUER said, while he personally would not have gone so far in making promises to India, he did not think it would be possible to back down on a pledge already given. He agreed that this did not in any sense prevent a negotiated settlement but any statement by Sir A. Rowlands at this stage would be unwise.

THE SECRETARY OF STATE FOR INDIA said he had never disguised his view that India would react vigorously against writing-down the sterling debt and he was very doubtful whether this would prove to be possible. He sympathised greatly with Sir A. Rowlands and felt that unless a pretty clear statement was given before long our position and his would be exceedingly difficult. He was anxious that we should not be unfair to India. The sterling debt did not represent our expenditure inside India, for which the Indian Government pay, but expenditure incurred through using Indian resources and troops outside India.

THE PRESIDENT OF THE BOARD OF TRADE thought it was inevitable that any negotiations should take place with the new Indian Government and it was no use making statements at this stage. He pointed out that exceedingly high prices had been paid for the services etc. bought from India, including in some cases a degree of taxation.

THE SECRETARY OF STATE FOR INDIA agreed that there was no advantage in early negotiations, but thought it might prove to be politic to make a concession to Indian sentiment on the question of the venue of negotiations.

CONCLUSIONS

* * *

4. As regards India, Sir A. Rowlands should be informed that His Majesty's Government deprecate any further statement on the lines proposed at the present time. For his private information he should be told that, while His

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Majesty's Government did not withdraw from the pledge given by Lord Keynes at Bretton Woods, they did not regard themselves as bound thereby to refrain from making to an Indian Government proposals which took account of the realities of the situation. It appeared to His Majesty's Government that such negotiations ought to take place with an all-Indian Government, and they were prepared to defer a final decision on the question of venue, though they were strongly of opinion that negotiations should take place in London. Immediate negotiations were clearly impracticable in view both of the Indian situation and of the deliberations of the United States Congress.[2]

[1] No. 395.

[2] Sir A. Rowlands was informed by Sir D. Monteath on these lines in tel. 2857 of 8 February. L/F/7/2866: f 357.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/23

PRIVATE AND SECRET INDIA OFFICE, *7 February 1946*
Received: 13 February

Thank you for your letter of the 29th January.[1] I am very glad to hear you think that the Parliamentary Delegation has on the whole made a good impression. I noticed that Wyatt had made one or two forward-looking utterances but I did not think they showed any very great mastery of the problem. I had an interview with him before he went out and he did not impress me as being a person of great weight. However, he is certainly intelligent and interested and I dare say he will have learned a good deal. We are thinking about the arrangements for receiving the delegates when they get back here. The Prime Minister and I and some other Ministers propose to receive them privately and give them a full hearing. I expect we shall also arrange for them to give their views to a meeting of Members of Parliament off the floor of the House, very soon after they get back. It may be that their arrival will be the signal for a good deal of talk about Indian affairs and that a demand for a debate will be pressed. We may not be able to avoid this though I think it would be most unfortunate to have a full discussion at the present time. It might well be easier to resist the demand for it if the announcement we are contemplating in separate correspondence is made beforehand and I shall be telegraphing to you about that. I hope you will be able to agree. It only means advancing the date by a few days at the most.

[1] No. 390.

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2. What you say about the Assembly is discouraging but we shall have to put up with a good deal of friction from them. It must be very wearing for your Council and officials and it will not help the general situation.

3. I agree with you that the food situation is most grave. I am sorry that my first private telegram[2] to you was incorrect on certain points. The mistake arose owing to a misunderstanding about the number of bushels to a ton. The telegram giving the information about the American deficiency was received in the middle of the Cabinet meeting and had not been put up with expert examination behind it, so that I came away from the meeting with a mistaken impression. It now appears that the reduction in the American exportable surplus is likely to be half a million tons and I have telegraphed to you correcting this.[3] However, that is quite bad enough and does not make any substantial difference to our problem. The Cabinet were entirely in favour of the food mission which you are sending and I will do all I can to assist them. I hope that they may be able to make some impression on the Americans and that they will not fail to make the point that the fact of any real shortage in India may, for psychological reasons, result in widespread starvation conditions and that the consequences of shortage in India are relatively much greater than in many other places. It may be a ruthless point of view but if we try to spread the available supplies equitably over all the areas which are in danger, we may end by having starvation in all of them.

4. I see with regret that the Congress have repudiated the suggestion that they should send a representative with the delegation.

5. Thank you for making enquiries about the Bevin Boys. I am glad to know that the 88 per cent. was a gross inaccuracy. It looks as if there had been a misreading of the figure.

6. Thank you also for making enquiries about the use of tear gas. I note the views of the Commissioner of Police, Calcutta, which I must admit are somewhat borne out by the recent disturbances in Bombay where tear gas certainly did not prove effective by itself. Nevertheless I hope it will be used in preference to lethal weapons wherever its use is likely to achieve the necessary object.

7. I ought to give you a private warning that the Prime Minister is considering holding a Dominion Prime Ministers' Conference at the end of April or the beginning of May to which Indian representatives would be invited. I understand that one principal topic is likely to be Imperial Defence. We desire to induce the Dominions to take a heavier share of the burden in peace-time, which they clearly ought to do by virtue of their increasing wealth, their international status and the strategic interests of the Commonwealth. If this

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comes off at the time suggested, it may be difficult to get adequate Indian representatives. I propose to wait and see how the proposal is received. There is usually difficulty in getting Dominion Premiers together and it may well be that a later date will in fact have to be chosen. I shall raise my voice in any discussion on the subject in favour of a later date in the hope that we may have an Executive Council which could send representatives who could take an effective part.

8. I think I ought also to let you know that the Foreign Secretary has recently been considering with the other Ministers interested, a suggestion that a Conference should be held in London, perhaps in March, to discuss the possibilities of a common Empire policy and of co-ordinated organisation in the Far Eastern area. This would be composed of Government representatives drawn from the British territories in the Far East, and the British representatives in China, Siam and the foreign territories in South-East Asia, with some of General Gairdner's staff from Tokyo. Bevin's idea was, I think, that the conference would be concerned both with policy and organisation somewhat on the lines of the Middle East Conference which, you will remember, he held last year. He has not yet developed the idea to the extent of drawing up an Agenda for the Conference, but as a basis for discussion on policy, the Far Eastern Official Committee have been engaged in preparing a comprehensive paper, which is already in draft.[4]

I have told Bevin that, so far as I am concerned, I welcome this suggestion (though I have my doubts whether the Middle East analogy can be pressed very far) and that when the scope and Agenda of the Conference has been more clearly defined, I should be willing to ask you whether you would be prepared to send home a senior representative of the Government of India (I had in mind that you might perhaps be able to spare Weightman) for a week or two to attend the discussions. At the present stage I only mention the matter as a possibility so that you may be thinking over the question of deputing a representative. I cannot say exactly what his status would be, as the arrangements for the representation of Australia and New Zealand are rather nebulous, and it may be that all there would be called observers. But that I think is only a matter of formality. Until the idea of the meeting is further crystallised, we are anxious that no hint of its possibility should leak out.

[Para. 9, on teleprinter facilities for foreign news agencies in India, omitted.]

[2] Tel. 25 of 1 February warning Lord Wavell that the U.S. wheat yield had been over-estimated by 8 million tons and that their exportable surplus would be cut by 1½ million tons. In this circumstance the Cabinet at its meeting on 31 January (CM (46) 10th Conclusions) had decided there was no further action it could take on additional imports of wheat for India nor was there any hope of restoring cuts in the Indian allocation. L/E/8/3329.

[3] Tel. 27 of 2 February. *Ibid.* [4] See No. 354.

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10. I am taking up personally with Barnes the question of passages for civilians which you mention in paragraph 17 of your letter of the 21st January[5] and in paragraphs 16 and 17 of your letter of the 29th. I fully realise the importance of this and will do everything I can to assist, but all the indications are that the Ministry of War Transport are already doing their utmost to help. In the meantime I may say that the Ministry have mentioned privately that they have difficulty in estimating what accommodation is likely to be available for civilians owing to the fact that the Government of India's military bids for accommodation are continually being raised. There may be no remedy for this but I think the point might be looked into, since if the Military authorities claim additional accommodation out of any fixed allocation, civilians are bound to go short.

I am informed that the civilian capacity of S.S. STRATHAIRD is 501 and not 1,000 and that she therefore was carrying the maximum number of civilians permissible under her certificate. When carrying civilians ships which will carry a very large number of troops cannot be used for more than their certificates provide and I think this may to some extent account for the discrepancy between what you had expected to receive on the information I gave you previously and what you have actually had, though I understand that commercial passages have been rather less than was expected also.

11. The election of judges to the International Court of Justice was held yesterday and it has been a great disappointment to us that in spite of our efforts, Zafrullah was unable to secure a place. I canvassed the High Commissioners for the Dominions and had sympathetic replies from Canada and New Zealand, and a definite promise of support from the Australians. We also approached the Foreign Office and you will be glad to hear that the U.K. National Group nominated Zafrullah as one of the four candidates on the U.K. list.

We had hoped that it would have been possible to secure the support of the American Delegation, but at the last moment they seemed to have changed their minds and sent round a list in which Zafrullah's name did not appear. This, of course, made his chances somewhat slender. In the first ballot he received 27 votes in the General Assembly, but only 4 in the Security Council. (A majority vote in both places is needed.) After that, in the subsequent three ballots, he lost ground, in spite of the energetic steps which both the U.K. and Indian Delegations took to secure a place for an Indian judge on the Court. We can only hope for better luck when the next opportunity occurs.

[5] No. 371.

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Lord Pethick-Lawrence to Mr Attlee

R/30/1/6: ff 33–6

TOP SECRET INDIA OFFICE, *7 February 1946*

Secretary of State's Minute: Serial No. 14/46

Prime Minister

The President of the Board of Trade has sent me a copy of his minute[1] to you regarding the Cabinet Delegation to India referring to my minute 13/46 of the 6th February.[2]

His amendment to the Statement seems to me an improvement.

With regard to his answers to the possible questions, I imagine that the less said the sooner mended, and both his suggestions and mine, which I enclose herewith, are intended more to provide background than to be given verbatim in Parliament.

No doubt before the Statement is actually made you will give me an opportunity of talking these points over.[3]

PETHICK-LAWRENCE

Enclosure to No. 411

ANSWERS TO POSSIBLE SUPPLEMENTARY QUESTIONS

1. With whom will the discussions be conducted?

As was stated by the Viceroy on the 19th September[4] representatives of the Legislative Assemblies of the Provinces will be invited to the discussions. It will however obviously be necessary also to have conversations with the accredited leaders of the main parties and communities.

2. How are the representatives of the Provinces to be selected?

This will be for consideration by the Ministers who are going out, in consultation with the Viceroy. I have no statement to make about it at the present time.

3. How long will the Ministers remain in India?

This will depend on developments. Clearly it will be necessary for them to stay several weeks but their duties here require that their stay should not be unduly prolonged.

[1] No. 405. [2] No. 402.

[3] No written reply to this minute has been found in the India Office Records or among the papers in the Prime Minister's Private Office. It is however clear from the file that Lord Pethick-Lawrence had a discussion with Mr Attlee on 8 February about the draft announcement as a result of which they agreed upon the version telegraphed to the Viceroy in No. 415. L/PO/6/115: f 201.

[4] No. 116.

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4. To what extent will the Mission be authorised to commit His Majesty's Government?

The purpose of the Mission is that there should be on the spot with the Viceroy, Ministers who are fully apprised of the views of the Cabinet, but they will be able to refer major issues for consideration if necessary. There would be no advantage in their going unless they had a measure of authority.

4A. Will Ministers be empowered to agree to the establishment of a Constitution-making Body which does not include some important elements?

Our intention is that the Constitution-making Body should be as representative as possible. I can make no statement on a hypothetical situation which has not yet arisen.

5. Can an assurance be given that Parliament will not be committed in advance to implement whatever may emerge from a Constitution-making Body set up as an outcome of the conversations?

Under the draft declaration of 1942 the Coalition Government offered to agree to implement the recommendations of a Constitution-making Body set up with the concurrence and participation of the main parties, subject to certain specified conditions. H.M.G. regard themselves and Parliament as committed to implement proposals framed in that way if that procedure is generally accepted in India. Obviously many variants of that procedure are conceivable. In considering their attitude to new alternatives which may be proposed H.M.G. will bear in mind their responsibility to Parliament but they are naturally entitled if they so decide to give assurances that they will commend to Parliament the outcome of a particular procedure for framing a constitution.

5A. What opportunity will Parliament have to examine the Treaty contemplated in the 1942 Offer before it is concluded?

Parliamentary legislation is required to implement any new Constitution for India and the content of the proposed Treaty will clearly have to be available for consideration in connection with such legislation.

6. Will H.M.G. give an assurance that in accordance with the undertaking which has been given, Muslims and other minorities will not be coerced into a constitution with which they disagree?

The purpose of the forthcoming conversations is to seek for the widest possible measure of agreement on the procedure whereby Indians can arrive at a constitutional settlement, but His Majesty's Government do not contemplate that the setting up of a Constitution-making Body should necessarily be contingent upon complete general agreement.

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7. Can an assurance be given that Ministers will not be authorised to modify or repudiate the Treaty obligations of the Crown to the Indian States?

Conversations will take place with representatives of the States as to their participation in the proposed Constitution-making Body. The States will remain free to adhere or not to adhere to any new arrangements which may be come to in respect of British India. The position of non-acceding States will have to be considered after it can be seen what is the general structure of the new India.

412

Mr Alexander to Mr Attlee

R/30/1/6: f 32

TOP SECRET ADMIRALTY, WHITEHALL, *7 February 1946*

Prime Minister.

I have seen a copy of the minute from the Secretary of State for India, No. 13/46.[1] I concur in the amendment to the third paragraph on page 2 of the draft announcement suggested by the President of the Board of Trade in his minute of 6th February.[2]

I concur also in the answers to questions suggested by the President of the Board of Trade but I would prefer that the answer to No. 7 should read as follows:—

> "There is no question of repudiation but the modification of any Treaties will be open to discussion with the States as all other questions relating to the future self-government of India."

I am sending copies of this minute to the Secretary of State for India and the President of the Board of Trade.

A. V. A.

[1] No. 402. [2] No. 405.

413

Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/PO/10/18: f 237

PRIVATE *8 February 1946*

33-S.C. Your private telegram 29 of 6th February.[1] I have no objection to Government of Burma appointing a representative in Delhi and I believe my

[1] No. 401.

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Member for Commonwealth Relations would welcome it. I think title of Representative, which corresponds with that of Indian post in Rangoon, would be suitable.

414

Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: f 166

IMMEDIATE INDIA OFFICE, *8 February 1946, 8.15 pm*
TOP SECRET

No. 2863. Superintendent Series. My telegram 1668 of 22nd January.[1] My next succeeding telegram contains text of draft announcement to which I am seeking agreement of my colleagues.[2] It will be made by Prime Minister in Commons. Please telegraph immediate whether you have any comments. I will telegraph further as to date and time of announcement.

[1] No. 373. [2] See No. 411, note 3.

415

Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: ff 167–8

IMMEDIATE INDIA OFFICE, *8 February 1946, 10 pm*
TOP SECRET

2864 Superintendent Series. Following is text referred to in my immediately preceding telegram.
Begins:—

[*There follow the first two paragraphs of the Enclosure to No. 402*].

In view of the paramount importance not only to India and to the British Commonwealth but to the peace of the world of a successful outcome of the discussions with the leaders of Indian opinion H.M.G. have decided, with the approval of His Majesty the King, to send out to India a special mission of Cabinet Ministers consisting of the Secretary of State for India, the President of the Board of Trade and the First Lord of the Admiralty to act in association with the Viceroy in this matter. This decision has the full concurrence of Lord Wavell.

I feel sure that the House will give its support and goodwill to the Ministers and to the Viceroy in carrying out a task in which the future of 400 million people and crucial issues both for India and the world will be at stake. *Ends.*

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/8/525: f 162

IMPORTANT NEW DELHI, *9 February 1946, 9.30 pm*
TOP SECRET *Received: 9 February, 7.30 pm*

317–S. Superintendent Series. Your 2863 and 2864 of February 8th.[1] Draft announcement seems to me suitable. I think however that I am entitled before announcement is made to know reactions of the Cabinet to my proposals[2] and what their general ideas are. I believe that His Majesty's Government and I have much the same ideas on these problems but it would be embarrassing if date of arrival of Mission had been announced and we could not reach agreement before that date on the lines to be taken.

[1] Nos. 414 and 415. [2] Nos. 315 and 316.

417

Sir H. Twynam (Central Provinces and Berar) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/195: ff 205–8

SECRET GOVERNOR'S CAMP, CENTRAL PROVINCES
No. R-3/G.C.P. AND BERAR, *9 February 1946*

3. I have no doubt personally that this extensive and expensive expansion and re-arming of the police[1] is going to bring me into conflict with Ministers as soon as they assume office, and I presume a not dissimilar position will arise elsewhere. In brief, it seems to me that, unless Provincial Congress Ministries, possibly by a direction from their High Command, are prepared to accept a period of what is virtually "armed truce" in respect of the law and order side of the administration while the discussions about the constitution-making body proceed, we must run into crisis after crisis straightaway. By an "armed truce" I mean an understanding that they would not interfere with the re-arming and expansion of the police and the position of the security services generally. There is nothing in the remarks of our local Congressmen to suggest a possibility of anything of the sort—in fact their speeches indicate an intention to do

[1] In para. 1 of the present letter, Sir H. Twynam had discussed the role of the army in reinforcing the police during disturbances, and in para. 2, he had outlined the measures being taken to strengthen and re-equip the police.

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everything they can to secure complete control of the police with a view to eliminating any opposition to a future movement—and I doubt very much whether the High Command could be persuaded to take a more reasonable view. Police expansion and re-arming will have to be provided for in the budget which it will be for the Ministries to steer through dissenting legislatures in Congress provinces, and I cannot see them undertaking the job. On the other hand, if they refuse to do so, it will be a question for the Governor whether he must fall back on his special powers with the probability that this will immediately precipitate a crisis. It is a matter on which I feel it would be as well if a common line were evolved well in advance.

4. Another line of attack on the police which might be followed might be a demand for an enquiry into action in August 1942. The police have been repeatedly assured that this would not be tolerated and to make any concession in this respect will have a deplorable effect on their morale. Again, however, judging by the speeches of our local firebrands, it is exactly this demand that is going to be made. How are we to deal with it?

5. The Government of India Act will be amended, I understand from the press, so as to permit of the re-constitution of Your Excellency's Executive Council on party lines. There are also reports in the press to the effect that this re-constitution will take place as soon as the results of the elections are known. I believe that this Province will be the last to complete the elections and the date of completion is 25th April next. By then we should be in a position to know whether the Muslim League claim to Pakistan has been sufficiently established or not to permit of a decision by H.M.G. on this fateful question. My feeling is that the issue cannot be evaded later than May next because the picture which I have drawn above in respect of the Police and security Services will be true of the whole constitutional field in Congress majority provinces. Governors will either be forced into retirement or compelled to acquiesce in measures which they know are designed to weaken authority. Already, I see, Gandhi is putting forward the demand, which proved such a difficult hurdle in 1937–39, that Governors should give an assurance that they will not interfere in the normal routine of administration. This assurance, which was given by Linlithgow, was repeatedly urged by Congress Ministers as justification for measures which were designed to sap authority. That was my experience in Assam and I have no doubt that it has been the experience of Governors in other Congress majority provinces. It follows, to my mind, that with a threat of another rebellion, it will be difficult, if not impossible, for Governors to discharge their special responsibilities in respect of section 52 (1) (a) "prevention of any grave menace to the peace and tranquillity of the province or any part thereof" unless they can succeed in overruling many proposals which, I am confident, will be put forward for the purpose of weakening the forces of law

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and order—I do not know how far Your Excellency or H.M.G. would be prepared to go in support of a Governor faced with these disagreeable probabilities.

6. My object in describing the situation which I envisage is, however, to suggest that the constitutional crisis must be solved in one way or another in April or May next before Congress ministries are in a position to commence the process of wrecking the administration so that, when the time comes, they can stage a successful rebellion. It seems to me that the issue has to be squarely faced when the results of the elections are known. Assam is to have a Congress ministry and the hold of the Muslim League on Sind appears to be so precarious that it can scarcely be said that that province is a League province. Bengal will presumably return a Muslim League majority but my own opinion is that Bengal will never present a serious menace to law and order on the Pakistan issue. All, therefore, seems to depend on the Punjab and the North West Frontier. If the League is successful in the Punjab, the position will undoubtedly be extremely difficult but, if not, a position may arise in which Jinnah can definitely be turned down in which case peace with the Congress may be possible. If, on the other hand, Jinnah is successful in the Punjab, it has occurred to me—and I put forward the suggestion for what it is worth—that his demand for two constituent assemblies might be conceded provided he agrees that a third constituent body should be appointed at the same time to explore the possibilities of a treaty providing for some form of union between Pakistan and Hindustan. I have tried this idea out on several people interested in politics and they seem to think that the idea might be worth consideration.

7. I have ventured to set forth my own personal views freely because I am convinced that there must be a solution of some kind before Provincial Congress Governments are allowed to play havoc with the administration. The measures urged on provincial Governors to strengthen their Police forces, etc., cannot be implemented in the face of ministerial opposition, unless H.M.G. are prepared to revert to section 93, and the sooner this issue is faced the better. I would suggest, therefore, that immediately on the completion of the formation of ministries in Congress majority provinces the very first step should be to summon a constituent convention at which, if at all practicable, the decision, or at least the recommendations, of H.M.G. on the Pakistan issue should be formulated.

8. As my C.I.O. puts it, "the whole trend of information received during the past few weeks suggests that a situation of an unprecedented seriousness, which nothing short of a peaceful transfer of power will avert, is likely to arise within a few months of the acceptance of office by Congress". Subhas Bose Day completely over-shadowed the "Independence" Day and there was

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violence in every speech delivered. It seems clear that in this Province we shall be faced with the return of the bitterly anti-British Shukla as Chief-Minister and the political situation requires clarification before such persons are entrusted with power.

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Sir H. Lewis (Orissa) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/236: f 185

Report No. 3 GOVERNMENT HOUSE, CUTTACK,
9 February 1946

4. I have had a further meeting with Mahtab. He sent word to me just before I was leaving for Calcutta that he wished to see me in connection with the prices of rice in one of our districts and the disqualification of certain Congress supporters who are standing for the legislature. As on the previous occasion, he adopted a very friendly and cooperative line indicating throughout in the considerable number of subjects which we discussed that he was, or would appear to be, only too ready to abide by my decision. Incidentally he opened his conversation with me by saying that he brought me a special message from Gandhi asking, in view of our past acquaintance, to be remembered to me and sending me a very friendly message. This was done by Gandhi when he passed through Orissa and met our Congress leaders not at Cuttack but at Berhampur when the train stopped there. I asked Mahtab to thank Gandhi for his good wishes and kind message and to say I hoped that he was keeping well. Though, as I think I have previously told you, I had a close acquaintance with Gandhi many years ago at the time of the Champaran indigo troubles, my last direct contact with him was at the time of the second Round Table Conference and, since I had sent him no message on his coming this way, it was certainly a very friendly gesture on his part to send me this message while passing through Orissa. I have little doubt that at least as matters now stand Gandhi's influence is very definitely on the side of finding a peaceful solution of the Indian problem, if it can be found. Mahtab said that Gandhi told him and other Congress leaders in the province to approach me freely with any troubles or difficulties which they might have. Without attaching too much importance to this small incident, I think it is of sufficient importance to mention in this letter to you.

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Cabinet C.M. (46) 14th Conclusions, Minute 3

R/30/1/6: ff 27–8

Those present at this Meeting held at 10 Downing Street, S.W.1, on 11 February 1946 at 11 am were: Mr Attlee (in the Chair), Mr Herbert Morrison, Mr Ernest Bevin, Mr Arthur Greenwood, Mr Hugh Dalton, Sir Stafford Cripps, Mr A. V. Alexander, Lord Jowitt, Mr J. Chuter Ede, Viscount Addison, Lord Pethick-Lawrence, Mr G. H. Hall, Mr J. J. Lawson, Viscount Stansgate, Mr J. Westwood, Mr G. A. Isaacs, Mr E. Shinwell, Mr Aneurin Bevan, Mr T. Williams

Also present during discussion of item 3 was: Sir Orme Sargent

INDIA

Constitutional Position

(Previous Reference: C.M. (46) 7th Conclusions, Minute 1)[1]

THE PRIME MINISTER recalled that at their meeting on the 22nd January the Cabinet had agreed that a Mission of three Ministers of Cabinet rank should be sent to India, to arrive there about the middle of March, to conduct the forthcoming negotiations on the constitutional problem. He now proposed that this Mission should be composed of the Secretary of State for India, the President of the Board of Trade and the First Lord of the Admiralty. He proposed that this should be announced in Parliament on the 19th February.

The Cabinet endorsed the Prime Minister's proposals.

In discussion, reference was made to the possibility that the inclusion of the President of the Board of Trade in this Mission would be criticised on the ground that, at a time when our industrial and economic problems at home were of such urgency and importance, we could not afford to send abroad the Minister in charge of the Board of Trade. It might be expedient to anticipate such criticism by including in the announcement about the Mission some statement about the arrangements for supervising the work of these Ministers' Departments while they were away. It was suggested that the Lord President might take charge of the Board of Trade during the President's absence.

THE SECRETARY OF STATE FOR INDIA said that he had received a telegram[2] from the Viceroy welcoming the decision to send out a Mission of senior Ministers, but asking that he should be informed, before this was announced, what view the Government took of his proposals for handling the situation. The Secretary of State said that he did not consider this to be a reasonable request and hoped that he would be able to persuade the Viceroy to withdraw it.

[1] No. 372. [2] No. 416.

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The Cabinet—

(1) Approved the Prime Minister's proposal that the Secretary of State for India, the President of the Board of Trade and the First Lord of the Admiralty should go out to India to conduct the forthcoming negotiations on the constitutional problem;

(2) Took note that the Prime Minister would arrange for this decision to be announced in both Houses of Parliament on Tuesday, 19th February.

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Note by Mr Abell

Wavell Papers. Notes of Important Interviews, 1943–7, pp. 76–9

11 February 1946

PRIVATE SECRETARY TO VICEROY'S INTERVIEW WITH MR. GANDHI AT SEVAGRAM ON 11TH FEBRUARY 1946

I had arranged over the telephone from Nagpur that I would arrive at Sevagram in time to see Mr. Gandhi at 1 p.m. I arrived about 20 minutes early and spent the time talking to Mr. Ghosh and Rajkumari Amrit Kaur. We sat on a bare plank bench in the verandah of one of the "bashas". Mr. Ghosh told me that he had been astonished by the vehemence of Mr. Gandhi the day before when he discussed with him His Excellency's suggestion for an interview. Mr. Gandhi had said for instance that he might himself have used the words Mr. Asaf Ali used at Delhi—that he would be glad to see thousands die as it would be one more nail in the coffin of the British Raj. He had also said that he would not be morally justified in going to Delhi to see His Excellency about the food situation so long as the present Food Minister remained in charge of the Food Department.

Mr. Ghosh says he opposed Mr. Gandhi's contentions strongly and argued with him for two hours.

At 1 p.m. exactly I was taken along to Mr. Gandhi and was given a chair beside him. He sat on a mattress on the floor. Mr. Piarey Lal, Mr. Ghosh, Rajkumari Amrit Kaur and an anonymous young girl also sat on the floor.

It was Mr. Gandhi's day of silence. When I asked if I might speak first and deliver His Excellency's message he nodded assent.

I said His Excellency hoped he had recovered from the fatigue of his Madras tour. He wanted me to explain the grave food situation and ask for Mr. Gandhi's help and co-operation. I had come without any high hopes as Mr. Ghosh had told me over the telephone that Mr. Gandhi's attitude was

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thoroughly hostile—I said this in a joking way and Mr. Gandhi laughed heartily. His Excellency had toured in the scarcity areas of Bombay, Mysore and Madras. In these areas there were practically no crops. Food had to be found for the people of these areas for 8 or 10 months; otherwise there would be a disaster. There was a very heavy all-India deficiency and the world food situation was such that in spite of our best efforts we might get very little in the way of extra imports. Two different policies had been suggested. The first was to maintain the present basic ration of 1 lb. and rely on getting imports. The other was to cut down the rations everywhere, impose equal sacrifices on all, and thus ensure that even if no extra imports were obtainable, the people in the villages of South India would not starve. The Government of India were quite clear that the second was the right alternative. Mr. Gandhi signified that he agreed.

I said that we had very slender reserves, and that hoarding was a grave danger. If political parties used the opportunity of the ration-cut to agitate against the Government and undermine confidence in the food administration, the result might be to make a large-scale disaster inevitable. We had no desire to shirk responsibility, but there was a clear humanitarian issue to which everyone must face up.

On the political side the scarcity involved a grave risk to the success of the efforts that would be made shortly to form a National Government and to get ahead with deliberations on a new Constitution. It would also be a very serious obstacle in the way of the new Ministries in the Provinces. The present Government was prepared to incur the odium of cutting the ration now in order that every available ounce of foodgrains should be saved for the scarcity areas, and a fair field given to the new Executive Council and the new Provincial Ministries.

Though the Government of India would have welcomed the nomination of a Congress representative on the delegation now going to London, His Excellency realised that Mr. Gandhi might find it difficult to help in this particular matter. Mr. Gandhi nodded emphatically and I did not pursue the point.

It had also been suggested that Mr. Gandhi's support to an appeal for imports would be valuable. I did not think His Excellency would press this either. Again an emphatic nod from Mr. Gandhi.

His Excellency did however urge very strongly indeed that Mr. Gandhi should assist by not embarrassing the administration on the food issue—Party capital should not be made of it as the result of agitation would be panic, hoarding and the loss of many lives. Mr. Gandhi's influence would be invaluable and His Excellency hoped he would use it.

Mr. Gandhi was in a more friendly mood than I had expected. He wrote down that he had written at 5 a.m. that morning an article for the *Harijan*

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which met His Excellency's requirements. This he produced. I read the article and said that though it contained some very useful advice to the public, the emphasis, which was on the futility of the administration, was wrong. I thought he could do better than that.

Mr. Gandhi wrote that the emphasis was a matter of opinion. His article showed a way out; which was to put in a National Government at once. I said His Excellency wanted such a Government as soon as possible, but the President of the Congress himself had deprecated the formation of a new Executive Council until after the elections were over in the Provinces. Mr. Gandhi said that he personally disagreed with this. An Executive Council could be formed in two days. I said I did not agree. A serious attempt would have to be made to get the Muslim League into such a Government. This would be very difficult and at the best take time. If it were urged that the League should be by-passed at once I would say that this could not possibly be done during the elections. Nor, at such a critical time, could we have two changes of Government in the space of two or three months (Mr. Gandhi made it clear he thought only of a short-term Interim Government to give way to another Government in April or May). Finally there was the obvious difficulty about the budget. Mr. Gandhi seemed to be impressed with the practical difficulties and did not pursue the idea further.

Mr. Gandhi then said it would be helpful if I would give him in writing suggestions as to what he should do. I said if he wanted anything authoritative, I would ask His Excellency to send him a letter on my return, but I emphasised that we were short of time and wanted a lead from him in the next few days. He said it would help if I wrote down my ideas "as a man". I wrote down a few suggestions in the following words and got Rajkumari Amrit Kaur to give me a copy before I left:

"1. Put about the idea that sacrifices are necessary by all, rich and poor, in order that the poor may live.

2. Encourage thrift, especially by housewives.

3. Discourage hoarding as a criminally wicked act.

4. So far as possible, give the lead to electioneering speakers either to speak helpfully on Food or at least not to say anything that will tend to destroy confidence.

Other moves in the same direction will occur to you. May not the shortage be a blessing in disguise if all parties and people work together both now and under a new Government to mitigate the suffering of the poor?"

Mr. Gandhi read this and indicated that he was fully prepared to help on these lines. I asked him whether he would give a lead at once to Congress and electioneering politicians all over India. He refused to commit himself firmly on this point, but sent a message after I had left him that he would consider making a press statement. His staff who were very sympathetic to me—Mr.

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Piarey Lal thought there would be "no two opinions" about the rightness of what I had said—promised to keep him up to it.

Mr. Gandhi advised that His Excellency should send for Maulana Azad and say to him what I had said to Mr. Gandhi. I did not ask for a firm assurance that he would give Mr. Azad a lead, but I think he will and his staff will try to persuade him to do so.

Before leaving I asked what I should say to the press. I told him that I had suggested that the press should only be told today that I had gone to see Mr. Gandhi on His Excellency's behalf to apprise him of the food situation in India as a whole. He said he would like us to say no more than that, unless we added that His Excellency had asked Mr. Gandhi to see him in Delhi but I had gone to Sevagram instead because Mr. Gandhi, owing to his engagements, could not make the journey at once. He wanted no mention made of fatigue or ill-health and indeed he seemed very fit and spry.

Mr. Gandhi was friendly and I feel sure that at the end of the interview he had made up his mind to "play".

My only doubt is whether he will change his tone later by way of concession to the Working Committee who are very bitter against the present Executive Council and seem to have a particular down on the Food Member. I discovered after the interview that Dr. Rajendra Prasad had been present at Sunday's talk between Mr. Gandhi and Mr. Ghosh: and this may explain the very different line he took then. Next Sunday's *Harijan* (February 17th) will give an indication of the distance Mr. Gandhi is prepared to go.

G. E. B. ABELL

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Sir A. Rowlands to Sir D. Monteath (Extract)

MSS. EUR. D. 714/71

TOP SECRET
PERSONAL

FINANCIAL MEMBER OF COUNCIL,
NEW DELHI, *11 February 1946*

5. The Parliamentary Delegation have departed with, I am afraid, varying ideas as to the method to be pursued in solving the political issue. There is, however, common agreement among them that some step has got to be taken in the early summer. The real question is what H.M.G. are going to do about the Pakistan issue. Some of the Delegation, I believe, think that Jinnah can be by-passed and that, if he refuses to join an interim Government in the absence of some guarantee about his own scheme for Pakistan, it will be possible to get four or five representative Muslims, who exercise influence but control no

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political supporters, to go into the interim Government. I personally have very serious doubts about this. I firmly believe that no solution is possible unless at least the principle of Pakistan is conceded as part of H.M.G.'s solution. It will not, of course, be Jinnah's crude Pakistan, but that a form of Pakistan is possible I have no doubt at all. In any event, to concede the principle of Pakistan from the beginning is more likely to lead to a unified India than if we haver about it; in that event Jinnah will undoubtedly harden his heart and the hearts of his supporters. I will not dilate upon my views since I have given them to Munster, to Richards and to Hopkin Morris. I know that my own view is a minority view, but I have had a great deal of conversation with several of the prominent members of both parties. In my judgment, it is easier to call the Congress's bluff than Jinnah's bluff. The Congress, or at least those who control it, are so anxious to get their hands on at least part of the Government machine that they will more easily swallow the idea of Pakistan than would Jinnah the rejection of Pakistan. Why can't you come out here for a short while, listen to the arguments for and against and then add your own advice to the plethora of advice which H.M.G. are going to receive. Richards, I think, was a great success and he jollied the Delegation and the Indians along admirably. The other member of the Delegation who impressed people most was Bottomley. He came here with an open mind, listened to both sides and, as I think, formed his own judgment. I believe from conversation I had with him that, while not going the whole way with me, he is convinced that Jinnah is the key to the riddle.

* * *

8. I am afraid the present Assembly is little improvement on its predecessor. There is very little inclination to discuss any proposal on its merits; everything is reduced to the political plane. There is very little argument but a great deal of vituperation and abuse, which I find nauseating and of which I do not think I can stand much more without hitting back. While the Muslim League will not, I think, gang up with the Congress, they show little inclination to vote for us, and if they abstain we are of course beaten every time since the Congress have a clear majority. Moreover, we cannot rely on the votes of all our nominated members. Indeed, in the secret ballot for the President there is every reason to think that four Secretaries to Government voted against the line which the front bench had decided to take. Dalal's public abstention from voting did not help matters.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: ff 158–9

IMPORTANT INDIA OFFICE, *12 February 1946, 1.15 am*
TOP SECRET

3019. Superintendent Series. Your telegram 317–S.[1] You will remember that we originally proposed middle February for announcement. Cabinet now agree that it should be made on Tuesday February 19th. We feel it is essential not to delay it further as personal arrangements which must be made by Ministers will necessarily involve disclosures to many people and danger of leakage will become considerable. Ministers expect to be in a position to arrive about March 24th so as to have a full week for preliminary discussions with yourself before meeting Indians.

2. I regret that it has not been possible to send you any full appreciation of reaction of my colleagues to your precise proposals. Of course the main policy was agreed between us last September and the only matter to settle is the strategy of its application. As to that I have already explained to you that we do not consider it will be possible to discuss in watertight compartments the two main items of the programme and that it will be necessary for the discussions to cover the whole field at once.

3. From this it follows that in our view it will not be possible to form the Executive Council as a preliminary step particularly in view of Jinnah's announced reaction and I understand from paragraph 6 of your letter of 29th January[2] that you are inclined to take the same view.

4. The personnel of the Mission has only recently been selected by the Prime Minister and we have held our first special meeting this afternoon and propose to meet frequently to go into details of approach to various problems.

5. In so far as I am able as time goes on to keep you informed of these details I will do so but it seems to us that our strategy will have to be adjusted to the reactions which as discussions proceed we find show themselves towards our initial proposals. For the same reason though we may form in our own minds a possible break-down plan it will necessarily be subject to modification in consequence of these reactions. It is proposed therefore that within a wide directive from the Cabinet on broad principles the Mission in conjunction with yourself will have latitude of decision. I will send you draft directive as soon as it is ready in case you have any observations to make.

[1] No. 416. [2] No. 389.

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6. We cannot accordingly at this stage express definite views on your proposals as they stand but any points not covered between us before our departure can be threshed out with you in the last week in March which we are setting aside for this purpose.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/10/19: f 32

MOST IMMEDIATE
TOP SECRET

NEW DELHI, *13 February 1946, 3.30 pm*
Received: 13 February, 11.55 am

337. Superintendent Series. Your 3019 of February 11th.[1] I certainly accept need for elasticity in your plans and I agree that much of your tactics out here must depend on how things go. But there is one point on which I feel I should be informed at once of Cabinet's views so that we may reach some conclusion before announcement is made. This is the breakdown plan. On present indications, it is almost certain that His Majesty's Government will have to make an award and I cannot agree that the nature of the award can safely be left vague till you come out here.

2. Does His Majesty's Government contemplate (?forc)ing a federation on the Moslems and rejecting entirely Pakistan claim? At the other extreme, would they make an award allowing the whole of Jinnah's claim?

3. The solution proposed in Cripps offer practically amounts to rejecting Pakistan claim, since League could not obtain necessary majorities in Bengal and Punjab.

4. I am sure that an award going to either extreme mentioned in paragraph 2 would cause the most serious trouble. At what point between them the best award can be made is a matter of opinion, but the (?course) of negotiations cannot affect the issue much.

5. I am sure that the Cabinet must consider this point closely and that we must be prepared with some plan to be implemented if negotiations fail. It may of course be modified by events, but cannot be left vague. I request that I may be informed how the mind of the Cabinet is working on this point.

6. I should like to inform Governors now for personal information of the proposal about the delegation and hope you will authorise me to do so.

[1] No. 422; the date should be 12 February.

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Mr Turnbull to Mr Mottershead

L/P&J/10/19: f 11

SECRET INDIA OFFICE, *13 February 1946*

Dear Mottershead,

The Secretary of State would like the First Lord to see the enclosed extract[1] from a report by the Governor of the Central Provinces dated 10th January. I am sending a copy to Blaker for Sir Stafford Cripps' information.

Yours sincerely,

F. F. TURNBULL

[1] The extract sent to Mr Mottershead runs from the words '... the information which comes my way' in the fourth sentence of No. 344 to the end of the extract printed in this volume.

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General Auchinleck to Field Marshal Viscount Wavell

Wavell Papers. Official Correspondence: India, January 1946–March 1947, pp. 60–7

STRICTLY PERSONAL AND SECRET *13 February 1946*

D.-O. No. 80/V-1/46/13

I enclose a copy of a Secret and Personal letter I have addressed to all my G.Os. C.-in-C. Commands, District and Area Commanders and all Commanders of Indian Divisions, in and ex-India, on the subject of the "I.N.A." trials.

Enclosure to No. 425

General Auchinleck to Army Commanders

STRICTLY PERSONAL AND SECRET
NOT TO BE PASSED THROUGH ANY OFFICE

NEW DELHI, *12 February 1946*

I have now been able to study a large number of reports from higher and unit commanders and other sources on the effect of the action taken in respect of the first "I.N.A." trial on the Indian Army as a whole.

It is most important that we should study and analyse carefully these effects, as they may influence very greatly our ability to maintain the solidarity and reliability of the Indian Army in the difficult times which undoubtedly lie

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ahead of us. It is for this reason that I am writing this letter to you. I have considered the desirability of making a personal public statement in explanation of my action in commuting the sentences of transportation passed by the Court on the first three accused, but I have decided that this would not be in the best interests of discipline or the maintenance of my influence and authority as Commander-in-Chief.

I feel, however, that we should do all we can to remove the feelings of doubt, resentment and even disgust which appear to exist in the minds of quite a number of British officers, who have not the knowledge or the imagination to be able to view the situation as a whole, or to understand the present state of feeling in India.

2. As I see it, the commutation of the sentences of transportation on Shah Nawaz, Dhillon and Sahgal has had the following effects in India:

(*a*) *On the general public, moderate as well as extremist, Muslim as well as Hindu.*

Pleasure and intense relief born of the conviction that confirmation of the sentences would have resulted in violent internal conflict.

This feeling does not, in my opinion, spring universally from the idea that the convicted officers were trying to rid India of the British and, therefore, to be applauded, whatever crimes they might commit, but from a generally genuine feeling that they were patriots and nationalists and that, therefore, even if they were misled they should be treated with clemency, as true sons of India. In this connection, it should be remembered, I think, that *every* Indian worthy of the name is today a "Nationalist", though this does not mean that he is necessarily "anti-British". All the same, where India and her independence are concerned, there are *no* "pro-British" Indians.

Every Indian Commissioned Officer is a Nationalist and rightly so, provided he hopes to attain independence for India by constitutional means.

(*b*) *On the Indian officers of the Indian Army.*

Except for a few recovered prisoners of war who have suffered much at the hands of their fellow countrymen who joined the so-called "I.N.A.", the vast majority, almost without exception, however much they may like and respect the British, are glad and relieved because of the result of the trial. Most of them admit the gravity of the offence and do not condone it, but practically all are sure that any attempt to enforce the sentence would have led to chaos in the country at large and probably to mutiny and dissension in the Army culminating in its dissolution, probably on communal lines.

The more senior and intelligent undoubtedly realise the implications of our having established in principle the seriousness of the crime of forsaking one's allegiance and the wisdom of meeting it with a heavy punishment such as "Cashiering" which carries with it the stigma of disgrace.

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They realise that if their future is to be at all secure, discipline and loyalty must be maintained, but they, too, are Nationalists and their feelings are much the same as those of the public at large.

(c) On the V.C.Os. and rank and file of the Indian Army.

In very many units apparently little interest was displayed in the "I.N.A." trials, especially in the more illiterate and educationally backward arms of the Service, such as the infantry and artillery.

In the technical units and amongst clerks, etc., however, interest was keen and widespread.

Some of the V.C.Os. and rank and file had suffered like their officers at the hands of their former comrades who joined the "I.N.A." and perhaps feel correspondingly bitter and disgusted at the leniency shown. This is inevitable and cannot be helped, regrettable though it may be. This section of opinion is relatively small.

The great majority are, I think, pleased that leniency has been shown for a variety of reasons.

Many of them have relations and friends from the same villages amongst the "I.N.A." Many think that, as the war is over, bygones should be bygones and a fresh start made.

Others are genuinely nationalistic in outlook and have been affected by agitation and propaganda. The great majority feel, I think, that the whole episode is unpleasant and discreditable to them as a class and to the Army as a whole, and would wish it forgotten and decently buried as soon as possible.

Under all this, there is, I think, an uneasy feeling as to the future and doubt as to whether their interests will be as well watched in the days to come as they have been in the past.

(d) On the British officers of the Indian Army.

As I have already said, the effect on many British officers has been bad, and has led to public criticism which has not been in accordance with the traditional loyalty I am entitled to expect. To these officers, perhaps not always very perceptive or imaginative, an officer is an officer, whether he be Indian or British, and they make no allowance for birth or political aspirations or upbringing, nor do they begin to realise the great political stresses and strains now affecting this country. They are unable to differentiate between the British and Indian points of view.

Moreover, they forget, if they ever knew, the great bitterness bred in the minds of many Indian officers in the early days of "Indianisation" by the discrimination, often very real, exercised against them, and the discourteous, contemptuous treatment meted out to them by many British officers who should have known better.

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These facts constitute the background against which the decisions should be judged, always keeping before one the object, which is to preserve by all possible means in our power the solidarity of the Indian Army, and of the R.I.N. and the R.I.A.F. as well.

I have not specifically mentioned the two younger services, but everything I have said in this letter applies to them just as much as to the Army, and perhaps more so, as the ratings or other ranks of these services are better educated and perhaps more politically minded than those of the Army.

3. I would like you also to consider and to impress on others, especially those British officers who have been upset by the result of the first "I.N.A." trial, the effect of the capitulation of Singapore on the Indian troops involved in it, from amongst whom the "I.N.A." was subsequently formed.

Those who have served for many years with Indian troops, as I have done, have always recognised that the loyalty of our men was really to the officers of the regiment or unit, and that although there may have been some abstract sentiments of loyalty and patriotism to the Government and to the King, the men's allegiance for all practical purposes was focussed on the regiment, and particularly on the regimental officers, on whom they depended for the[ir] welfare, advancement and future prospects.

In these officers their faith and trust was almost childlike, as events have proved time and time again. It is true to say that in almost every case of serious discontent or indiscipline, and there have been remarkably few of them, which has occurred in the past fifty years, the cause could be traced to indifferent officers and bad man-management.

4. The terrible tragedy of Singapore following on the fall of Hong Kong must have seemed to the great majority of the V.C.Os and rank and file to be the end of all things, and certainly of the British "Raj" to whom the Army had been used for so many years of war and peace to look to as its universal provider and protector, acting through their own regimental officers.

Their British officers were at once taken from them and they were at once assailed by traitors who had been kept in readiness by the Japanese to seduce them from their allegiance. Their Indian officers in many instances proved false to their trust and used their influence to suborn their own men, skilfully aided and encouraged by the Japanese.

The strain and pressure to which these men, the majority of whom were simple peasant farmers with no cultural or educational background, were subjected is very difficult for any British officer, however experienced, to visualise. Nevertheless it is quite impossible for any British officer to judge them fairly unless he does try to visualise it and realise what these men must have thought and felt.

It is quite wrong to adopt the attitude that because these men had taken

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service in a British controlled Indian Army that therefore their loyalties must be the same as those of British soldiers. As I have tried to explain, they had no real loyalty or patriotism towards Britain as Britain, not as we understand loyalty.

5. So much for the rank and file. The officers who went over present a much more difficult problem. Owing to their presumably superior education, knowledge of the world and experience generally, it is not possible to apply the same reasoning to them, except possibly to the very junior and to those who had been promoted from the ranks, whose background was more limited and whose knowledge was less.

There is no excuse for the regular officers who went over, beyond the fact that the early stages of "Indianisation" from its inception to the beginning of the late war were badly mismanaged by the British Government of India, and this prepared the ground for disloyalty when the opportunity came.

There is little doubt that "Indianisation" was at its inception looked on as a political expedient which was bound to fail militarily. There is no doubt also that many senior British officers believed and even hoped that it would fail.

The policy of segregation of Indian officers into separate units, the differential treatment in respect of pay and terms of service as compared with the British officer, and the prejudice and lack of manners of some—by no means all—British officers and their wives, all went to produce a very deep and bitter feeling of racial discrimination in the minds of the most intelligent and progressive of the Indian officers, who were naturally nationalists, keen to see India standing on her own legs and not to be ruled from Whitehall for ever.

It is no use shutting one's eyes to the fact that any Indian officer worth his salt is a Nationalist, though this does not mean, as I have said before, that he is necessarily anti-British. If he is anti-British this is as often as not due to his faulty handling and treatment by his British officer comrades.

It is essential for the preservation of future unity that this fact should be fully understood by all British officers.

No Indian officer must be regarded as suspect and disloyal merely because he is what is called a "Nationalist", or in other words—a good Indian!

6. This aspect of the business, though it cannot excuse the action of those officers in going over to the enemy, must be considered as it does provide the backgound against which we must view the present and the future.

We have very full evidence of the mental processes which these officers went through and many of them hesitated for a long time before they finally succumbed to circumstances and the persuasion of the Japanese and their extremist fellow-countrymen. Many of them having joined the first so-called "I.N.A." under Mohan Singh refused to join the second under Bose and spent the next three years as prisoners of war in the islands of the Pacific. This does

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not excuse their original lapse but does show that they were subjected to conflicting stresses and strains mentally.

7. There remains the matter of the decision to commute the sentences of the first three officers (Sahgal, Dhillon and Shah Nawaz) from "Transportation" to "Cashiering". If, as we have admitted, they were guilty of the worst crime a soldier can commit, then it may well be asked—"why be lenient with them?"

In taking the decision to show clemency, the whole circumstances past, present and future had to be considered and was [were] so considered most carefully and over a long period.

The overriding object is to maintain the stability, reliability and efficiency of the Indian Army so that it may remain in the future a trustworthy weapon for use in the defence of India and, we hope, of the Commonwealth as a whole.

It was essential to establish the principle that falseness to his allegiance is a crime which cannot be countenanced in any officer under whatever Government he may be serving. By confirming the finding of the Court and the sentence of "Cashiering" which carries with it the highest degree of disgrace to an officer, we have done this. To have added imprisonment to this sentence would not in any way have helped to emphasise the principle we were concerned to preserve.

On the other hand, having considered all the evidence and appreciated to the best of my ability the general trend of Indian public opinion and of the feeling in the Indian Army, I have no doubt at all that to have confirmed the sentence of imprisonment solely on the charge of "waging war against the King" would have had disastrous results, in that it would have probably precipitated a violent outbreak throughout the country, and have created active and widespread disaffection in the Army, especially amongst the Indian officers and the more highly educated rank and file. To have taken this risk would have been seriously to jeopardise our object.

Always keeping before one the difference in outlook between British and Indian, which I have tried to explain in this letter, I decided, therefore, that, in the interests of the future of both India and Britain and because of the unprecedented circumstances of the case, the only proper course to pursue was to confirm the finding and so establish the principle but to show clemency in respect of the sentence. Some bewilderment has been caused, I believe, by the fact that Shah Nawaz who was found guilty of "abetment of murder" as well as of "waging war" received the same treatment as the other two accused who were found guilty of "waging war" only. Shah Nawaz's offence, which was committed by him as an officer of the "I.N.A." in the alleged execution of his duty, in that he ordered a sentence authorised by a higher I.N.A. authority

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to be carried out, did, in the circumstances, flow from his basic offence of "waging war" as a member of the I.N.A. The punishment for this—the principal offence—was "Cashiering" in the case of all three officers. Shah Nawaz did not himself commit any brutal or violent act against any person, but passed on the orders of a superior authority which he claims to have believed to have been properly constituted.

It is necessary also to remember that some 20,000 officers and men joined the so-called "I.N.A." and that, even if it were desirable, it would have been a physical impossibility to bring all these men to trial within anything approaching a reasonable period of time.

8. The situation now is that the principle that the forsaking of his allegiance by a soldier is a crime in any circumstances has been established, and that no further trials on this account alone will be held. Those against whom there is adequate evidence of murder and brutality will be tried and punished in the ordinary way.

In the second, third and fourth trials the charge of "waging war" has been included in addition to the other charges because these trials were commenced before the finding of the Court in the first trial was known. If the accused in these three trials are found guilty on this charge the Court will pass the sentence of "Transportation for Life" which is the minimum admissible under the Army Act for the offence of "waging war".

When it comes to confirmation of the sentence, however, the facts in respect of the other charges of brutality will be the guiding factor.

In any subsequent trials, the charge of "waging war" will be omitted as our object is now to punish those who may have been guilty of brutal acts towards their former comrades.

9. As to the great mass of rank and file of the so-called "I.N.A.", these are now being examined by Courts of Inquiry as rapidly as possible with a view to finding out whether they are to be classified as "White", "Grey" or "Black". I realise very well and so does everyone else at G.H.Q. and in the War Department, the urgent need for disposing of these men at the earliest possible moment, so that the whole affair may have a reasonable chance of being forgotten, which is I am sure the ardent desire of the Army as a whole. At the same time, it is quite certain from the evidence at our disposal that if this enquiry is not carried out with reasonable thoroughness, great injustice may be done to innocent men. The temptation, therefore, to discharge or dismiss all and sundry summarily and without more ado must be resisted.

10. There is one other criticism which is often made. It is said that we ought to have dealt with the accused summarily in forward areas; that if the men were to be brought to India we should have avoided publicity, and in

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particular trial in the Red Fort; and that we ought to have put out counter-publicity from the start. The answer to the first point is that we had to deal with 45,000 men, in one instance a whole I.N.A. division surrendering without firing a shot. It was obviously impracticable for forward areas to deal with men on this scale summarily and it was the obvious course to send them back to India where the records and Intelligence organisation existed for interrogation. As to publicity, I am sure it was right to decide not to hold trials in secret because it would have been thought that the men were not getting a fair trial. Once it was decided that the trials could not be held in secret, it would have been wrong to tuck them away somewhere where defence counsel, relations, etc., could not conveniently attend; and the Red Fort was the most convenient place from nearly every point of view. We avoided counter-publicity because it was practically certain that a big publicity drive would be represented as prejudicing the accused in their trial; but in any event it is not possible for us to force papers to publish anything which they regard as propaganda and with which they do not agree. We have no control over them in this respect.

11. This letter has become very lengthy, but I make no apology for this as I consider it essential that the full facts of this sad business should be put before you, so that you in your turn can put them before the officers serving under you, as and when it appears necessary to you.

You should not, in explaining the matter to your officers, quote me as Commander-in-Chief but should use the material I have tried to give you in this letter in any way you think suitable to the purpose as if it came from yourself.

12. Finally let me again state the object: it is to maintain the reliability, stability and efficiency of the Indian Army for the future, whatever Government may be set up in India.

This can be done only if the British and Indian officers of that Army trust and respect each other and continue to work wholeheartedly together for the common cause as they have done in war.

It is your task to do your utmost to bring this about and I am sure you will: you have excellent material on which to work.

13. If you are still in doubt on any point or have any suggestions to make in furtherance of our common object, I will be glad if you will let me or the Adjutant-General know.

C. J. AUCHINLECK,
General.

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Rough notes of points made by various Members of the Parliamentary Delegation at the meeting at No. 10 Downing Street on 13th February 1946

L/P&J/10/59: ff 33–5

MR. RICHARDS. The most definite impression on his mind was the urgency of reaching a solution, due to the increasing bitterness, almost hatred, towards the British; both the Muslim League and Congress are united on one point, that they wish "the British to get out of India".

There are two alternative ways of meeting this common desire (a) that we should arrange to get out, (b) that we should wait to be driven out.

(In regard to (b), the loyalty of the Indian Army is open to question; the I.N.A. have become national heroes under the boosting of Congress; the possibility cannot be excluded that Congress could form an "Independent Indian Army").

If course (a) is to be adopted it is suggested that a very early declaration should be made of the grant to India of full self-government forthwith. This might be made as soon as possible after the completion of the Provincial Elections. The suggestion is made that the declaration should take the form of a Royal Proclamation, complementary to Queen Victoria's Proclamation of 1858.

But a declaration by itself gets nowhere; it must be followed by action. Action recommended is (1) a commission to be formed to draw up the lines of the national treaty between H.M.G. and India working in London. (In reply to a question by the Prime Minister as to who would be the Indian representatives of such a commission and how they would be selected, Mr. Richards had no suggestion to offer).

(2) Action in India by the formation of a purely Indian Government responsible to the Assembly. The Viceroy could certainly get the Congress element for such a Government but Mr. Jinnah would not agree to take part without the prior concession in principle of Pakistan. The imminent famine situation made early action even more imperative though it increased the difficulty of successful action.

LORD MUNSTER agreed that there was great bitterness against continued British dominance but he did not think there was any hatred against the British. There seemed to him to be three questions—

(1) Should we stand on the present situation until the two principal parties come together. His answer to this is "no, the feeling between the two parties is now too tense to permit any further waiting".

(2) that the British Government should declare itself in favour of Pakistan. This would be a most unfortunate course to take; Pakistan is not a practical

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proposition, it would mean a *separate* Dominion with freedom eventually to secede from the British Empire, though Pakistan would not be likely to exercise this right at once.

(3) that the Viceroy should form an Executive Council from the principal political parties, but Mr. Jinnah will refuse to take part. That being so, the Viceroy might bypass the Muslim League and form his Council without it. That might provoke trouble with the Muslim League. Equally, Congress who would undoubtedly be willing to enter the Executive Council, would be very likely to walk out on the Viceroy's using his power of veto—possibly not on the first occasion but certainly if the exercise were repeated. Nevertheless this course seems the least dangerous of the three.

Mr. Jinnah demands that there should be two constitution-making bodies since on the basis of only one the Muslim League would refuse to participate and if not allowed a separate body would have to be bypassed. Indians are not anxious to secede from the Empire though they are anxious to have the right to do so.

If it were found necessary to concede Pakistan and all that that involves the Dominions should be consulted in view of the all important strategic position occupied by India.

In reply to a question by Lord Pethick-Lawrence as to what was Mr. Jinnah's attitude as to Muslim Leaders in the Congress Provinces taking part in the constitution-making body, Lord Munster said that it was Mr. Jinnah's intention to forbid these also to take part.

MRS. NICHOL found the atmosphere in the Punjab explosive. The Muslim population are all worked up in favour of Pakistan. She began her visit to India impressed by the strong necessity of maintaining the unity of India but as time went on she began to feel that some form of Pakistan must be conceded. Mr. Jinnah will modify his present demands for Pakistan but unless it is conceded in principle at an early stage he will not co-operate. Mr. Jinnah admits that the defence of Pakistan is impracticable without the aid of British troops. In reply to a question by Lord Pethick-Lawrence whether anyone had suggested to Mr. Jinnah the possibility of an agency centre with strictly limited federal functions, Mrs. Nichol replied that she believed, granted Pakistan, Jinnah would be prepared to work with Hindustan in regard to common purposes.

BRIGADIER LOW agreed with Lord Munster that there was no hatred against the British but great bitterness against us for impeding progress. It was necessary to take a decision whether or not Pakistan should be brought into being. It would be undesirable that H.M.G. should make a declaration in favour of Pakistan but it might be necessary. It should be recognized that once Jinnah has got Pakistan conceded no subsequent union with Hindustan would be possible. He stands out for a separate Dominion.

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But Pakistan is not a viable proposition on the basis of self-determination of Muslim majority areas.

As regards the Executive Council, the Viceroy could form one if he were prepared to do without the Muslim League, but a decision so to act would probably involve rioting which might develop into civil war.

The Provincial Elections were no true guide as to the strength of feeling in the Muslim Provinces for Pakistan.

As regards the Indian States, such as he had visited disclosed a real desire to make progress. No final solution of the Indian question was possible which did not provide for the States. As regards the Indian Army, General Auchinleck is undoubtedly very popular and commands the confidence of the Army; but it is true that politics have got into the Army, especially among the I.C.O. class. The effect of the I.N.A. trials has been very severe but markedly different among different elements in the Army. The old long service class, such as the V.C.Os., are deeply offended that the I.N.A. have not been treated with the full rigour of the law, but the younger generation are impressed by the political aspect. Nevertheless on the whole the Army could be relied on to do its duty except in the event of civil war in which case its loyalty would inevitably be divided among the combatants.

MR. SORENSEN opened with reference to the continued detention of persons without trial, and severe treatment, flogging and so forth.

His suggestion was that the Viceroy should undertake to form an Executive Council backed by a panel of persons, two or three from each province, nominated by the Governors of each Province. He regarded Pakistan as wholly irrational—he was not sure that Mr. Jinnah could be regarded as a rational person—but, in his view, necessary.

Congress have already conceded the principle of self-determination and he thought it was the function of H.M.G. to announce what should be the geographical concession of Pakistan.

Simultaneously with such an announcement a constitution-making body should be assembled on the basis of conceding Pakistan but reserving to a Central Government the essential federal functions. Another simultaneous process should be the formulation of a treaty of alliance between H.M.G. on the one side and Pakistan and Hindustan on the other.

Once this had been done the States would have to fall into line.

MR. GODFREY NICHOLSON thought it impossible to attempt a long-term settlement and that it was necessary to concentrate on the short-term issue only. He suggested that Nehru and Patel on the Congress side and Jinnah and Liaqat Ali Khan should be invited to come to London to discuss the short-term issue. He thought that it was not practicable for the Viceroy to attempt to form an Executive Council without the Muslim League.

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He was strongly impressed with the need of refreshing the administration which is exhausted and creaking badly. He felt it necessary to concede the principle of Pakistan but to play for time as to its implementation. If things go badly, particularly in respect of famine, he feared that the Congress Ministries would pull out very shortly.

LORD CHORLEY was impressed by the bad atmosphere caused by the maintenance of detenues. The I.N.A. trials had had a bad effect on the Army but it was reliable still for dealing with riots but not for anything more serious.

In his view the constitution-making body should be in India, but the formulation of a treaty should take place in London and should be got under way quickly.

He thought that Congress would wish to secede from the Commonwealth if it were "forced into Dominion status" but that Pakistan if formed would wish to stay in the Empire. This would result in constant antagonism between Pakistan and Hindustan.

In his view the Communists were working hard in favour of Pakistan with an obvious motive.

MR. HOPKINS [MR HOPKIN MORRIS] thought that the Cripps offer should be brought up to date but that given this it affords the only line of solution. He suggested that a time limit should be imposed for Indians to find a solution on the basis of that offer; if they failed by the expiration of the time limit we should impose a constitution.

MR. BOTTOMLEY did not like Pakistan but thought it would be necessary to concede it in order

(a) to avoid widespread bloodshed,
(*b*) to preserve our own trade interests, for whereas the strong tendency in the Congress majority Province[s] was to boycott trade with the United Kingdom, the Muslims were eager to do business with us.

Mr. Jinnah demands a principle of Pakistan but will not disclose in detail what he means by it lest he give away his bargaining powers. Recruitment for the I.C.S. should be conducted in India, not in London.

MR. WYATT emphasized the urgency of the issue and thought that an Executive Council representative of political parties must be formed this year. That being so the issue of Pakistan must be decided promptly. If the Muslim League were bypassed in relation to constitution making, there would be widespread violence. Therefore, it is necessary to offer Jinnah Pakistan on the basis of the Muslim Majority Areas. He had reason to believe that the Sikhs would be able to reach an accommodation with Jinnah in regard to the Sikh Areas that would fall within Pakistan.

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Without Calcutta, Eastern Pakistan would not be viable; but Calcutta is a Hindu Majority Area, therefore it must be shared difficult though it would be to formulate a basis of division. He would give Jinnah four weeks or so to decide whether to accept Pakistan on this basis.

He would suggest sending a strong team of ministers to India to negotiate.

He believed that Jinnah would be prepared to deal with advance questions on an All-India basis and that Nehru and Patel could be induced to agree to Pakistan reluctantly on the basis of common disposal of common interests.

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Cabinet Delegation to India. Paper C.D.I. (1)[1]

L/P&J/10/21: ff 9–21

VIABILITY OF PAKISTAN[2]

Note by Lord Pethick-Lawrence

INDIA OFFICE, *13 February 1946*

I circulate for consideration and discussion, notes by my Office on the economic, defence and finance aspects of this subject.

P.-L.

I. ECONOMIC ASPECT OF PAKISTAN

1. Advocates of Pakistan indulge in a good deal of loose argument and wishful thinking on the economic aspect of the idea or indeed in many cases they seem to close their eyes to it altogether. It is idle to believe that the political advantages of separating one part of India from another can be realised without detriment to the economic advantages of a united India. There is bound to be an economic price to pay for the satisfaction of the Moslem demand for political independence and the questions which must be considered are, what that price will be, whether it is so heavy as to create an impossible situation, or whether it is one the paying of which will do no more than prejudice in some degree the general welfare of the population and stand in the way of

[1] The Memoranda in this Series were produced by the India Office and are not Cabinet Papers. Mr Turnbull, the Secretary to the Cabinet Mission, took the C.D.I. Papers with him to India and it is clear from a telegram of 31 March which he sent to Sir D. Monteath that until that date their circulation had been confined to Sir S. Cripps, Mr Alexander and Lord Pethick-Lawrence. Mr Turnbull reported that it was not felt that Mr Attlee should be troubled with the Papers but that Lord Pethick-Lawrence agreed Mr Henderson should now see them. Mr Turnbull added that the Papers 'are not being much used here'. MSS. EUR. D. 714/74.

[2] Certain *corrigenda* to this Paper made later by the India Office in the light of information received from India are incorporated in the version printed here. L/PO/6/114: f. 167.

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measures to raise their standard of living and increase their prosperity. The history of Central Europe during the last 30 years serves as an object lesson of the sort of thing that Pakistan involves. Before 1914 Central Europe was comparatively well organised from the economic point of view. The calamitous results of the 1919 settlement show what can result from the sacrifice of economic to political considerations. The inclusion of Calcutta in Pakistan would probably prove to be an even greater source of friction than any feature of the 1919 settlement in Europe. In estimating the consequences of establishing a Pakistan regime, however, it must be borne in mind that comparisons should be made, not as between a Moslem State and the India which exists to-day, but rather with the Hindu majority State in which the Moslems would otherwise be included.

2. In order that this elusive subject may be examined it is necessary to make certain assumptions. In the first place one must assume that there will be at least two Pakistan areas, namely (1) in the North-West of India, an area consisting of the Punjab (or most of the Punjab), the North-West Frontier Province, Sind and Baluchistan, and (2) in the East of India, Bengal (or most of Bengal) and Assam. (There is a part of Assam which would not qualify for Pakistan on the strength of the Moslem majority of the population but its geographical position may necessitate its inclusion in Eastern Pakistan). Secondly, one assumes that the three divisions of India thus constituted will stand on their own legs and that there will be no Federal Union, however loose. There would probably be a national link between Eastern and Western Pakistan but this could hardly possess any reality from the economic point of view. Thirdly, one assumes that large-scale transfers of population are ruled out as impracticable.

3. The first and most obvious effect of Pakistan would be the increase of overhead expenses resulting from a distribution of the present centrally organised establishments and services. This, coupled with the obstacles and hindrances to rational and efficient economic activities which are bound to result from the disruption of India's economic unity, will mean that the already lamentably deficient resources available in India for welfare measures will become even more limited and the development of social services must inevitably be restricted if indeed they do not have to be reduced even below their present level. An important economic consequence of Pakistan will undoubtedly be the disruption of what has hitherto been one of the largest and most notable areas of free trade in the world. The present system under which the economic policy of India can be planned as a whole will be replaced by a system under which the policies of the separate parts will go their own course and will set up a condition of competition and antagonism. This seems specially regrettable both from the external and from the internal aspect at a time when the liberalisation and expansion of trade claim so much attention. The establish-

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ment of new Customs Administrations will be a matter of some practical importance. The cost will increase very considerably because land and river boundaries require a much larger preventive staff than a sea boundary. Experience proves that customs barriers of this sort inevitably place restrictions on and set up hindrances to the development of trade. Leaving aside for the moment the special question of Calcutta, both North Western and Eastern Pakistan are likely to be predominantly agricultural areas. North Western Pakistan at any rate must therefore be expected to pursue in fiscal matters a policy which favours agriculture as against industrialisation or will seek to set up and protect its own industries. It certainly will not be willing to pay a share of the price for greatly expanded industrialisation in Hindu India except in return for large concessions. Pakistan will almost certainly seek to establish new industries in so far as this may serve the purpose of converting its own products into the requirements of its own people. Thus raw cotton grown in the Punjab and Sind is likely to be manufactured into cotton piecegoods by these new industries instead of obtaining their requirements from the textile centres established elsewhere by Hindu industrialists. As regards other commodities, North-West India is at present a valuable market for the sugar industry of the United Provinces and Bihar; Pakistan would undoubtedly prefer to import the much cheaper produce of Java. The position in regard to wheat is precisely opposite since in normal times North-West India looks to markets in other parts of the Northern part of India for the sale of its surplus production of wheat and before the war it was dependent for this upon a preventive import duty levied upon wheat imported from abroad, more particularly from Australia. Special considerations arise in the case of jute and these will be referred to later. In regard to fuel there is a balanced situation, Pakistan having the oil at Attock and Digboi, and Hindu India most of the coal.

4. The question whether Calcutta should be included in Eastern Pakistan is one which raises some very serious issues. If Calcutta is not so included Eastern Pakistan will obviously be a very poor thing and Pakistan as a whole will be heavily unbalanced as between agriculture on the one hand, and industry, commerce and finance on the other. It is for that reason, no doubt, that the Moslems, though not taking up an intransigent attitude with regard to the Hindu areas in the West of Bengal, include Calcutta in their ideas for Eastern Pakistan in spite of the facts that they are far from having a majority of the population of Calcutta and their stake in its economic activities is even smaller. While the Moslem claim to Calcutta is thus seen to be very weak, the Hindu claim has to take account of the size and importance of the European interests. The future of the European business community is difficult to predict, but on the question of Calcutta it is most unlikely that they would favour its inclusion in Eastern Pakistan. If on the other hand Calcutta were excluded from

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Eastern Pakistan, the jute industry situated there would be separated from the source of supply of most of its material and a particular complication would be created on account of the export duty levied on jute and jute goods. The proceeds of this duty at present form an important item of revenue not only to the Government of India but also to the jute producing Provinces. If some agreement is not reached between Pakistan and Hindustan a proportion of the total jute crop will be burdened with export duties imposed by both States no matter whether exported overseas or to some destination within India. Into whichever State Calcutta were to fall arrangements would be necessary to ensure that goods imported through Calcutta into the State not including it were subjected to customs duties to the account of that State and not to the account of the State of which Calcutta formed part. If such an arrangement were not made and if Calcutta were included in Eastern Pakistan the tendency, which would exist in any event, for Hindu India to take its imports from Bombay instead of Calcutta would be accordingly accentuated, with resultant ill-effects on the prosperity of Calcutta. It is of course probable that if Calcutta is included in Pakistan, partition will be followed by the immigration to Hindustan of those business houses whose interests are centred in Hindustan. Difficulties arising from double income tax would, no doubt, accelerate this movement.

5. A large part of the present prosperity enjoyed by the Punjab, as compared with most of the other Provinces, is dependent on her predominance in the Army and in the amount of military expenditure in the Punjab other than the pay and pensions of personnel of the Indian Army whose homes are in North-West India. The population of the North-Western Provinces is less than 10% of that of the whole of India, but at the time the war broke out the Punjabis formed considerably more than 50% of the Indian Army. If, in future, inhabitants of North-Western Pakistan find as much remunerative employment in military service as they have in the past it must be assumed that it will be entirely at the expense of the area to which they belong and not largely at the expense of the rest of India. The question whether Hindu India will assume its proportionate share of the liability for the military pensions which mean so much to the Punjab is, of course, one which needs to be dealt with in any financial appreciation of the practicability of Pakistan.

6. Fortunately, no difficulty of a crucial nature seems likely to arise in connection with the distribution of vital supplies of water. The area fed by the Indus system will lie almost entirely within the Pakistan area; if one includes within Pakistan the two Moslem States of Khairpur and Bahawalpur, only Bikaner which relies to an important extent upon irrigation derived from the Indus system, will be left outside. On the other hand considerable irrigation works are required to provide for the needs of the Punjab. This can only be done by means of further large expenditure on capital works on the Indus in

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Sind but it is doubtful whether these developments can be carried out without the credit and good will of a Central Government. Irrigation developments in Bengal are likely similarly to be handicapped.

7. The economic development of India is clearly dependent on the services which have in the past met the economic requirements of the whole of India, regardless of the boundaries between Provinces and States. The main example is, of course, the railways but others are posts and telegraphs, banking and currency, commercial law, etc. In all these cases the sub-division of India will grievously hamper further progress unless an atmosphere of general good will and commonsense and community of interest is maintained. On the other hand in the absence of such an atmospliere, they can be productive of endless friction and discord. Examples of both situations are not far to seek in the recent history of Europe. The division of India will be born in bitter antagonism and it will certainly be rash to assume that this will not be reflected in the efforts necessary to regulate the machinery of communications and of economic intercourse between the Pakistan States and the rest of India. The effect of the partition on the development of Civil Aviation in India is difficult to foresee but it is clear that growth will be hampered if the important airport of Karachi is separated from the main part of India as well, possibly, as that of Calcutta.

8. It is hard to resist the conclusion that taking all these considerations into account the splitting up of India will be the reverse of beneficial so far as the livelihood of the people is concerned. In a country where the standard of living is so low and the population figures are so constantly increasing, this is a factor which cannot be neglected. No doubt the weight of the economic arguments against Pakistan, if they are realised by those concerned, will cause them to turn their minds to some form of federal arrangement with Hindu India, but, unfortunately, the fact that Pakistan, when soberly and realistically examined, is found to be a very unattractive proposition, will place the Moslems in a very disadvantageous position for making satisfactory terms with Hindu India for a Federal Union. Thus they will find themselves on the horns of a dilemma, either a cramped and exiguous existence in Pakistan or a precarious and subordinate relationship with the Hindus in Federal India. If, however, the present unrealistic mood continues to prevail, two ramshackle States will come into existence, which seem incapable of doing justice to the economic requirements of their peoples.

2. THE DEFENCE PROBLEMS OF PAKISTAN

1. It is assumed that Pakistan would consist of two parts

   (a) Western Pakistan, consisting of Baluchistan, Sind, North-west Frontier Province and that part of the Punjab which lies west of the River Sutlej

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as far north as exclusive Ferozepore, thence due north as far as the River Beas near Kakkar and thence following the line of the River Beas.

(b) Eastern Pakistan, consisting of those parts of Assam and Bengal which lie east of the River Brahmaputra as far south as Rajbari thence due south to the Bay of Bengal.

The actual boundaries are not of great importance. What is of importance is that Pakistan:

(i) Includes no manufacturing or industrial areas of importance other than the Digboi and Attock oilfields.

(ii) Has no ports of importance except Karachi in the west. In the east, Chittagong is a very indifferent port, served only by a metre gauge railway.

(iii) Has no important rail centres except Lahore in the west, which has direct lines to Karachi as well as to Peshawar and to Delhi and Hindustan. In the east, the railway system centres on Calcutta, which is in Hindustan. All the railways in Eastern Pakistan are metre gauge, and are connected with Chittagong. The rivers Brahmaputra and Meghna form an alternative means of communication from Dibrugarh to the sea.

(iv) Has no connection between the eastern and western portions except by sea round Ceylon, a two or three weeks' voyage, as long as no hostile power has command of the Indian Ocean, or by rail through Hindustan as long as Hindustan will grant facilities.

2. *Commitments.* The military commitments of Western and Eastern Pakistan differ so greatly that they are best considered separately.

3. *Western Pakistan.*

(a) Armed forces are required for
Aid to the civil power
Control of the tribes on the North-west frontier
Defence against Afghanistan
Defence against Russia or a Russian aided Persia.

(b) *Aid to the civil power*

Large centres of population where military garrisons have been maintained in the past are

Lahore
Multan
Rawalpindi
Peshawar

The two last named are likely to be military stations in any case and would not, therefore, require a special allotment of internal security troops. Multan is

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237 miles from Lahore and would need a garrison unless a squadron of transport aircraft and a landing ground at Multan were maintained. Inter-communal trouble is unlikely to decrease with the creation of Pakistan.

The presence of the two large cities of Ferozepore and Amritsar in Hindustan, so close to the frontier near Lahore, would be an added reason for keeping a considerable garrison in Lahore to prevent incidents on the frontier due to inter-communal disturbances in the adjacent territories of Hindustan.

Three or four battalions would be required for this internal security commitment, either concentrated at Lahore, if transport aircraft and a landing ground at Multan were available, or with one battalion detached at Multan if they were not. This commitment could be reduced by an equivalent increase in armed police.

(c) *Tribes of the North-west Frontier*

Although a Mussalman government in Pakistan might be expected to lead to a decrease of trouble from their co-religionists of the North-west Frontier tribes, the economic factor makes any real improvement of the situation on those grounds alone unlikely in practice. It would not, therefore, be reasonable to expect any reduction of the armed forces on the frontier to be possible until after a general disarming of the tribes. The equivalent of two divisions, which includes one reserve division, plus a minimum of two Air Force Squadrons for Army co-operation and ground attack, and one Bomber Squadron must be considered necessary. It is considered that the present strength of the Civil Armed Forces will be increased by about 9,500.

(d) *Afghanistan*

One armoured and three infantry divisions and one armoured Brigade with some ten Air Force Squadrons, including fighter bomber and transport aircraft, are probably the minimum forces necessary to resist Afghan aggression and bring a war with Afghanistan to a successful conclusion by the occupation of either Kabul or Kandahar, or possibly both.

These would be additional to the forces needed for aid to the civil power and control of the tribes. One further division as a general reserve is also desirable.

(e) *Afghanistan, aided and abetted by Russia*

The war potential of Russia is so immense compared to that of Pakistan that an estimate of the forces which would be needed by the latter to defeat aggression by Afghanistan aided by Russia is profitless. No defence would be possible unless Pakistan could count on the active assistance of powerful allies. Even with such allies, able to maintain command of sea communications in the Indian Ocean, the strategical position of Pakistan opposed to Russia with bases prepared in Afghanistan and/or Persia would, however, be bad: Karachi, her one link with the outside world, is exposed to air attack and even to invasion

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from the air, as also is the single line of railway between Karachi and Multan which is the sole means of communication between Karachi and the Punjab, running through Pakistan territory throughout. Lahore, the most important rail centre, is also within effective bombing range of Afghan/Persian airfields. Western Pakistan in fact lacks the depth necessary to enable the main bases to be located out of effective range of enemy bombers. This factor assumes even more importance when the obstacle to the efficient functioning of radar caused by the mountains of the North-west Frontier is taken into consideration.

Thus, even with powerful allies, Western Pakistan could not be defended without the co-operation of Hindustan to provide alternative lines of communication from Bombay into Pakistan and also bases for the Pakistan armed forces outside effective bombing range of the hostile air forces. On the other hand, it would be suicidal for Hindustan to refuse such assistance, or in fact not to come into active alliance with Pakistan, because, with Pakistan defeated and hostile bases prepared therein, the defence of Hindustan from the north-west would be an impossibility without armed forces as large and efficient as those which could be deployed against her.

4. *Eastern Pakistan*

(a) The military commitments of Eastern Pakistan are:
In aid of the civil power
Tribal control of the North-east Frontier
Defence against China.

It is assumed that there is insufficient clash of interests between Pakistan and Burma to make war between the two countries a likely contingency, even if one or both seceded from the British Commonwealth.

(b) *Aid to the civil power*

A battalion each at Digboi, Silchar, Dacca and Chittagong would probably be necessary, or a force of three battalions held centrally with a permanent detachment at Dacca. These troops could be replaced by an equivalent number of armed police.

(c) *Tribal control*

Five battalions of Assam Rifles have been necessary for this purpose in the past, and it may be assumed that the same will be necessary in the future.

(d) *War with China*

Although not nearly so powerful as Russia, China in the future may become an adversary not to be despised. Eastern Pakistan suffers from a lack of depth against air attack, lack of a good port, poor communications and no industries other than tea and the Digboi oilfields. Because of the mountains on the northern and eastern boundaries, the only suitable lines of fighter protection

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are forward in Burma or back approximately on the line of River Brahmaputra. Eastern Pakistan in isolation is, in fact, indefensible against a powerful enemy. Alliance with Hindustan is essential and with Burma most desirable. This would seem to be equally desirable for both the other countries concerned particularly Hindustan. Eastern Pakistan in hostile hands would be a serious menace to Calcutta and the industrial areas of Bengal and Bihar.

Any Pakistan forces needed in Eastern Pakistan must be additional to those needed in Western Pakistan for aid to the civil power, control of the tribes and defence against Afghanistan, since any reduction of forces in Western Pakistan to meet a threat from the east might be seized upon by the tribesmen and possibly Afghanistan as an opportunity for loot and aggrandisement.

5. *Forces required*

Excluding any threat from Russia or China, the armed forces which Pakistan would need are therefore:—

1 armoured division
6 infantry divisions
1 armoured brigade
12 battalions
12 squadrons Air Force

with one extra infantry division desirable as a general reserve.

Allowing 40,000 men per gross division, this would entail an army of about 330,000 of whom some 40% might be reservists. An active army of some 215,000, roughly the pre-war strength of the Army in India, would be needed, at an estimated cost of about 40 to 45 crores. The air force would cost between 5 and 10 crores in addition, making a total defence budget of some 50 crores without any allowance for a navy, which could not in any case be large enough to be effective. Without the division in general reserve, a reduction of some 25,000 men and 5 crores in cost might be made. The figures given for the Army are larger than those estimated by G.H.Q. (India) for the Defence of India as a whole (*vide* Lower Limit).

6. *Manpower*

Taking 9% of the male population between the ages of 17 and 28 as the recruitable manpower of the country without unduly affecting its civil life, the Mussalman manpower available in Western and Eastern Pakistan is

Western Pakistan	
Punjabi Mussalmans	1,087,000
Pathans	65,000
Others	25,000
	1,177,000

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Eastern Pakistan	
Bengali Mussalmans	750,000
Assamese ,,	80,000
	830,000

The Eastern Pakistan manpower must, however, be discounted. The experience of two world wars has shown that Bengalis and Assamese do not make good soldiers. The 60,000 Bengali Mussalmans enlisted in this war have practically all been enlisted in military labour, while only about 3,000 Assamese Mussalmans have enlisted. The inhabitants of Sind and Baluchistan in Western Pakistan have been omitted from the list of potential manpower as they, even more than the Bengalis and Assamese, do not take to an Army life.

From the point of view of available manpower, however, the Punjab and North-west Frontier Province can provide more than sufficient to meet the needs of the Army. The Punjabi Mussalmans and Pathans are, unfortunately, backward educationally and it is more than doubtful whether the needs of the Army for technicians could be met without a large scale scheme of boys' training which would be expensive and would take some years to bear fruit. Nor could Pakistan produce at present anything like sufficient educated youths to provide the officers necessary for such a large army. Assistance from the United Kingdom would almost certainly be necessary for some years to come in the provision of officers and technicians.

This shortage of officers and technicians would affect the air force even more seriously than the army. It is doubtful if very much more than one squadron's worth of personnel in the Royal Indian Air Force today comes from Pakistan. The formation of a Pakistan air force would be a slow and laborious business.

7. *Equipment*

The almost complete lack of industries in Pakistan is militarily as serious as the shortage of officer material and technicians. Practically everything needed for the clothing and equipment of the armed forces would have to be imported, either from Hindustan or from the United Kingdom or America, and would cost annually somewhere between 17 and 25 crores, (in other words, between 35% and 50% of the Defence budget) which would have to be offset by a similar value of exports. These imports could, of course, only reach Pakistan as long as the sea routes were open and either Karachi and Chittagong still able to carry on business or if Hindustan were agreeable to grant right of way for Pakistan arms and equipment through her ports and on her railways.

8. *Summary*

(a) Western and Eastern Pakistan are separate entities with different defence problems.

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(b) Excluding attack by a major power, Pakistan would need the following armed forces for aid to the civil power, control of the tribes on the north-west and north-east frontiers and defence against Afghanistan:—

1 armoured division
6 infantry divisions
1 armoured brigade
12 battalions
12 squadrons air force

with one extra division desirable as a general reserve.

This would mean an army of 360,000 men, but, if 40% be taken to be reservists, the standing army in peacetime would need to be about 215,000, or 190,000 without the reserve division.

This would entail a defence budget of some 50 crores, or 45 crores without the reserve division.

(c) There is sufficient suitable manpower to provide an army of this size, but there will be a serious shortage of officers and technicians. Assistance from the United Kingdom will be necessary in these respects.

(d) Practically all arms and equipment would have to be imported, to the value of between 17 and 25 crores annually, representing 35% to 50% of the Defence Budget.

(e) Without strong allies, neither Western nor Eastern Pakistan could be defended against Russia or China respectively. In addition to having strong allies, it would be necessary for Hindustan to be either an active ally or benevolently neutral, to offset the serious strategical weaknesses in the position of Pakistan. It would be in the interests of Hindustan to render active aid to Pakistan, as if either Western or Eastern Pakistan were occupied by a potentially hostile power the defence of Hindustan would be most seriously jeopardised.

3. FINANCIAL PROSPECT OF PAKISTAN[3]

Until some expert body with clear guidance as to the boundaries of Pakistan has investigated the question in India, any figures can be put forward only with

[3] In putting up this note, its author, Mr Anderson, minuted on 6 February 1946: 'It is not very satisfactory, but I do not suppose that even prolonged investigation of the matter at this end is likely in present circumstances to lead to a materially different conclusion'. Mr Baxter minuted on 7 February as follows: 'All the estimations that are made on this subject tend rather to make the tacit assumption that the authorities—executive and legislative—of a new Pakistan will exhibit a like degree of intelligence and resolution in imposing taxation and of efficiency and honesty in its collection to those of the present régime in India. This certainly cannot be taken for granted and it would be wise to take into account the possibility that Pakistan (or each Pakistan if there are two) will tend to subside in these respects towards the standard of a country like Persia, whatever the effect may be on the efficiency of administration or defence; and that a substantial degree of deterioration might take place within a few years.' L/P&J/8/690: ff 6, 7.

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the utmost reserve. Even such a body would be confronted with formidable problems of estimation. We ourselves can at present form only a rough provisional opinion, based on readily available material, in the light of our general acquaintance with the conditions of Indian finance and with the similar, though much less difficult, problems which attended the introduction of the 1935 Act.

The principal difficulties are as follows:

(1) Pakistan may apparently mean anything from about one-third of British India, including the Calcutta region (which is extremely important from the revenue point of view), to something only about half the size and possessing few industrial or trading centres.

(2) It is difficult enough to estimate the true origins of present central revenues according to existing Provincial boundaries. It is more difficult to estimate the effect of carving off portions of the existing provinces, and it is still more difficult to forecast what will happen when the different areas become separate sovereign states.

(3) How the economic situation in India will settle down after the war (price levels, national income etc) and at what rate economic development will proceed, are highly speculative matters.

It needs no elaborate investigation to discover that the central question is how to finance defence, since the greater part of the Government of India's budget has always been devoted to that object. The practical problem is thus to arrive at a figure representing the margin of finance available over and above what is required to maintain at approximately the accustomed standard all Government services other than defence.

Pages 91–98 and Appendix IV of Part III of Sir R. Coupland's report contain material lifted bodily from a memorandum prepared by an experienced official of the Government of India.[4] So far as Eastern Pakistan is concerned the author threw in his hand. So far as Western Pakistan is concerned he came to the conclusion that, assuming the present provinces of Punjab, Sind, North West Frontier and British Baluchistan were included in their entirety, taking account only of revenue and expenditure now classed as "central", and allowing nothing for the effects of the war except upon the public debt, Western Pakistan would have been able, on the basis of 1938–39 figures, to maintain the existing standards of administration and to spend about Rs. 3 crores on defence. Allowing something for possible improvements of revenue etc. he raised this figure to Rs. 8 crores.

The same technique (which, broadly speaking, is about as convincing as any such extemporisation can be) has since been adopted by another investigator, Dr. John Matthai, who has considerable experience of Government statistics. He confirms Coupland's basic figure of Rs. 3 crores, so far as Western Pakistan

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is concerned, and calculates that Eastern Pakistan, constituted on a Provincial basis (i.e. including the whole of Bengal and Assam) would, in similar circumstances, have had Rs. 11 crores to spend on defence, allowing nothing for possible enhancements of revenue. He then reduces these figures on a crude population basis (a rather risky proceeding) to what they might be if Pakistan included only contiguous districts with Muslim majorities, arriving at a possible defence expenditure of Rs. 2½ crores for Western Pakistan, and Rs. 6½ crores for Eastern Pakistan, again without allowing for enhanced revenue. Thus for Pakistan as a whole he estimates Rs. 14 crores available for defence on a Provincial basis, and Rs. 9 crores on a District basis.

It is, however, certain that a really determined Pakistan Government, with the full backing of public opinion, content with little or no progress in its social and economic services and using all the weapons in the Central and Provincial fiscal armouries, *could* have raised substantially more than this, and even after allowing for some possible optimism in Matthai's estimates for Eastern Pakistan, defence expenditure of the order of Rs. 25–30 crores on a Provincial basis, and Rs. 15–20 crores on a District basis, cannot be considered altogether impossible.

If this judgment be accepted—and it must be emphasised that it has only been reached by building on the existing statistics an extremely heavy superstructure of inference and guesswork—it means that Pakistan *could* have supported just over half the pre-war defence expenditure of the Government of India on a Provincial basis, and about one-third on a District basis. The latter basis is, of course, nearer to probability than the former.

It is useless to try to pursue speculation in terms of figures into the post-war period. All that can safely be suggested is that the cost of the *same amount* of defence would probably be found not to have increased so much as the ability of the areas concerned to bear it. In any event all figures would naturally be nominally higher by, say, 50–100% in consequence of changes in the purchasing power of money.

4 *Note on the Financial prospects of a separate Union of predominantly Muhammadan Provinces of British India* by Sir Alan Lloyd and dated 21 January 1943. This was forwarded to Sir R. Coupland by Sir J. Raisman under cover of a letter dated 19 February 1943 in response to a request that the former had made for a brief memorandum on this subject in connection with Part III of his *Report on the Constitutional Problem in India* (see No. 2, note 4). *Ibid.*: ff 78–117.

It may also be noted that Part I of the present C.D.I. paper is a shortened version of a note on the 'Economic Aspect of Pakistan' which Sir W. Croft had prepared in May 1943 primarily with the purpose of providing Sir R. Coupland with material for Part III of his *Report*. *Ibid.*, ff 8, 55, 58–63.

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Cabinet Delegation to India. Paper C.D.I. (2)

MSS. EUR. D. 714/74; L/PO/6/114: ff 158–66

Note by Lord Pethick-Lawrence

INDIA OFFICE, *13 February 1946*

I circulate for consideration and discussion, a telegram from the Viceroy, dated 7th February, in which he gives his proposals for the demarcation of the genuinely Moslem areas if we are compelled to give a ruling as to what they should be. These are the recommendations which the Viceroy promised to make later in paragraph 9 of Part III of his memorandum in I.B. (46) 4.[1] Below the telegram are attached minutes by members of my staff commenting upon them, and appended are the community population figures for the various districts of the Punjab.[2]

Sketch maps illustrating the Viceroy's proposals are in preparation and will follow.[3]

P.-L.

INWARD TELEGRAM

[*There follows the text of No. 406.*]

THE VICEROY'S DELIMITATION OF PAKISTAN

The Viceroy has followed the simple plan (which the Sapru Committee appeared to think the only feasible one) of giving to Pakistan only the districts whch show a Moslem majority of the population; indeed he even goes beyond this adversely to Jinnah in adding to the area of the Punjab which should not be included in Pakistan the district of Gurdaspur,* N. of Amritsar; this "for geographical reasons."

The attached sketch maps (rivers and railways omitted for the sake of clearness) show the general effect of the Viceroy's delimitation. District population figures are also appended.

I do not know on what other plan we could conveniently contemplate the delimitation of Pakistan so as to do justice to Hindus as well as Moslems. As it is, the Viceroy's line, while cutting 2¼ million Sikhs out of the Punjab–Pakistan area—and along with them nearly 4½ million Punjabi Moslems in a total population (omitting the States) of nearly 13 million—leaves about 1½ million Sikhs *inside* the Pakistan area. A troublesome minority for Pakistan. When Jinnah talks of frontier adjustments of contiguous areas it is difficult to believe that he would agree to surrender Calcutta and its neighbouring districts and almost half of the Punjab—or that Punjabis would acquiesce in such a dissection

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of their Province, or again that Pakistanis would accept such a great reduction of their material resources as the loss of the Eastern Punjab and Calcutta.

The Viceroy's memorandum[4] of last August on Pakistan (flagged) should be re-read in this connexion. It will be recalled that last November[5] the Secretary of State declined to make any commitment, in advance of the pending discussions, as to the manner in which provincial option is to be exercised.

(Intld) J.P.G[ibson].

It is difficult to believe in the viability of this from the financial, economic or defence standpoints.

(Intld) P.J.P[atrick].

* I think this contains Qadian, the Headquarters of Zafrulla Khan's sect of Moslems, the Ahmadiyyas!

Pakistan will be cut off from its source of electric power at Jogindranagar in Mandi.

(Intld) W.D.C[roft].

The Viceroy's memorandum of August last is well worth re-reading. Its defect perhaps is that it discussed "adjustments" on the basis of such large units as Divisions. The present suggestion in working by districts would go nearer—but not by any means all the way—to an equitable adjustment as between Muslims and others.

But there is no solution in sight of the Sikh problem; and that is violently inflammable.

To my mind the right course is, very briefly,

(i) at the appropriate stage—very difficult to decide—break it to Jinnah what a reduced area as compared with his six Provinces could on any equitable conception be conceded to Pakistan.

(ii) demonstrate to him that such an area or confederation of areas would not be viable.

(iii) induce him to contemplate for his Muslims participation in a loose federation to which his "constituent units" would be permitted to adhere for only such more subjects as they agreed over and above the essential functions of any federation.

But this is easier said than put over!

(Intld) D.T.M[onteath].

[1] i.e. para. 9 of Enclosure to No. 316 circulated as Part III of No. 337.

[2] The Appendix reproduced in the present volume, which includes figures for Assam and Bengal as well as the Punjab, is the one first circulated with C.D.I.(2). Subsequently an amended Appendix was circulated deleting the figures for Assam and Bengal. Neither version of the Appendix gives figures for districts which would be included in the proposed delimitation of Pakistan other than those below the line in the Lahore Division of the Punjab.

[3] Printed as Maps 1–3 below. [4] No. 51; see also No. 82. [5] See No. 202.

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Appendix to No. 428

Definition of Pakistan by districts indicated in the Mody–Matthai memorandum

Following districts excluded: (population figures in thousands)

		Total	*Moslem*	*Non-Moslem*	*Moslem percentage*
Assam					
All districts except Sylhet		7,088	1,550	5,538	22
Bengal					
B	Burdwan	1,891	337	1,554	18
B	Birbhum	1,048	287	761	27
B	Bankura	1,290	56	1,234	4
B	Midnapur	3,191	247	2,944	8
B	Hooghly	1,378	207	1,171	15
P	24 Parganas	3,536	1,148	2,388	32
B	Howrah	1,490	296	1,194	20
P	Calcutta	2,109	498	1,611	24
P	Kulna	1,943	959	984	49
R	Darjeeling	376	9	367	2
R	Jalpaiguri	1,090	251	839	23

B = Burdwan Divn.
P = Presidency Divn.
R = Rajshahi Divn.

Community figures for Districts

		Total	*Moslem*	*Non-Moslem*	*Sikh only*	*Sikh percentage*	*Moslem percentage*
	Punjab						
Ambala Divn. (Moslem % = 28)	Hissar	1,007	285	722	61	6	28
	Rohtak	956	166	790	1·5	·15	17
	Gurgaon	851	286	565	·6	·07	34
	Karnal	995	304	691	20	2	30
	Ambala	848	269	579	156	18	32
	Simla	38	7	31	1	3	14
Jullundur Divn. (Moslem % = 34)	Jullundur	1,127	510	617	299	27	46
	Ludhiana	819	302	517	341	42	37
	Ferozepur	1,423	641	782	479	34	45
	Kangra	899	43	856	5	·5	5
	Hoshiarpur	1,170	281	889	198	17	24
Lahore Divn. (Moslem % = 58)	Amritsar	1,414	658	756	510	36	47
	Lahore	1,695	1,028	667	311	12	61
	Gurdaspur	1,153	590	563	221	19	51
	Sialkot	1,190	739	451	139	12	62
	Gujranwala	912	643	269	99	11	70
	Sheikhupura	852	542	310	161	19	64

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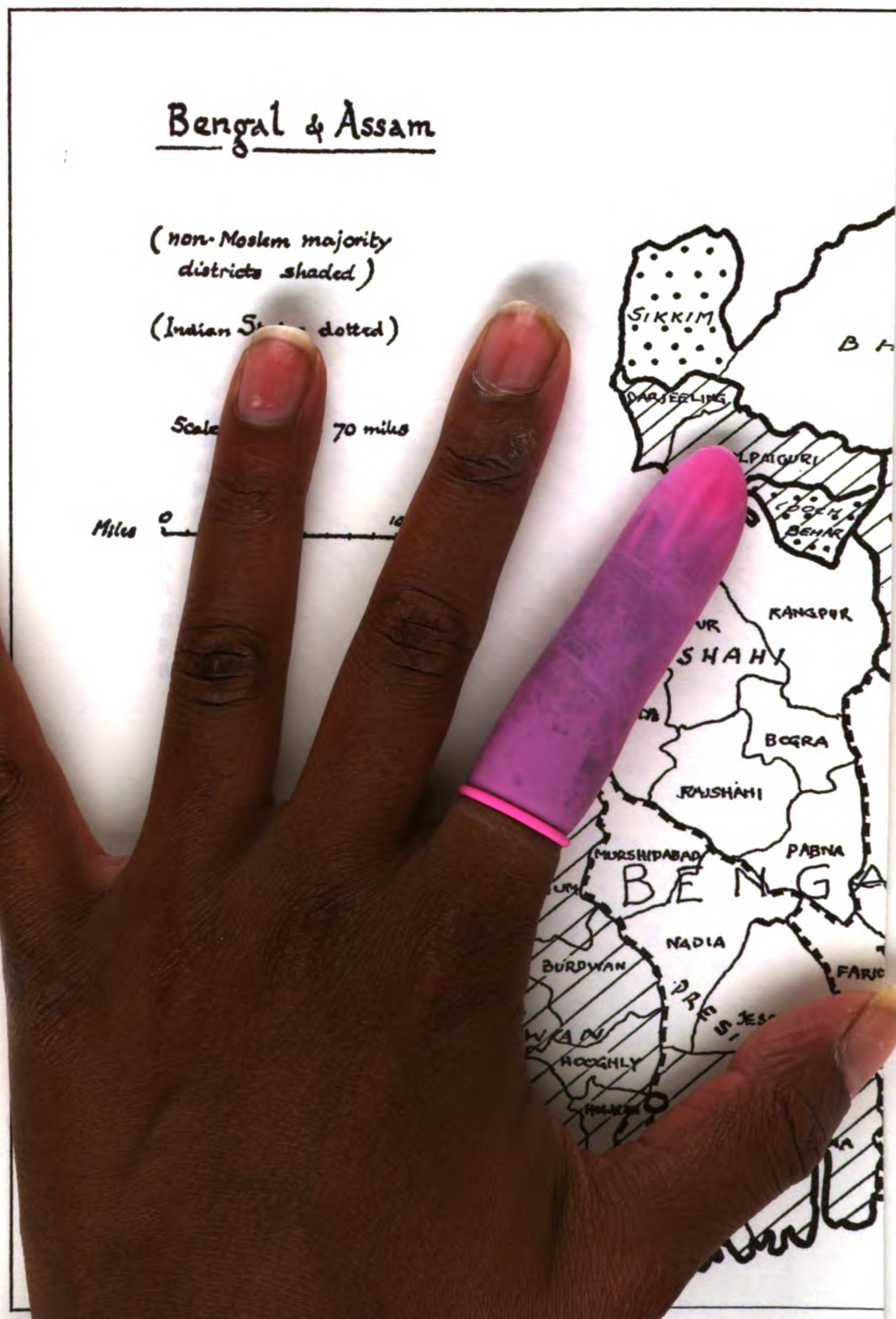

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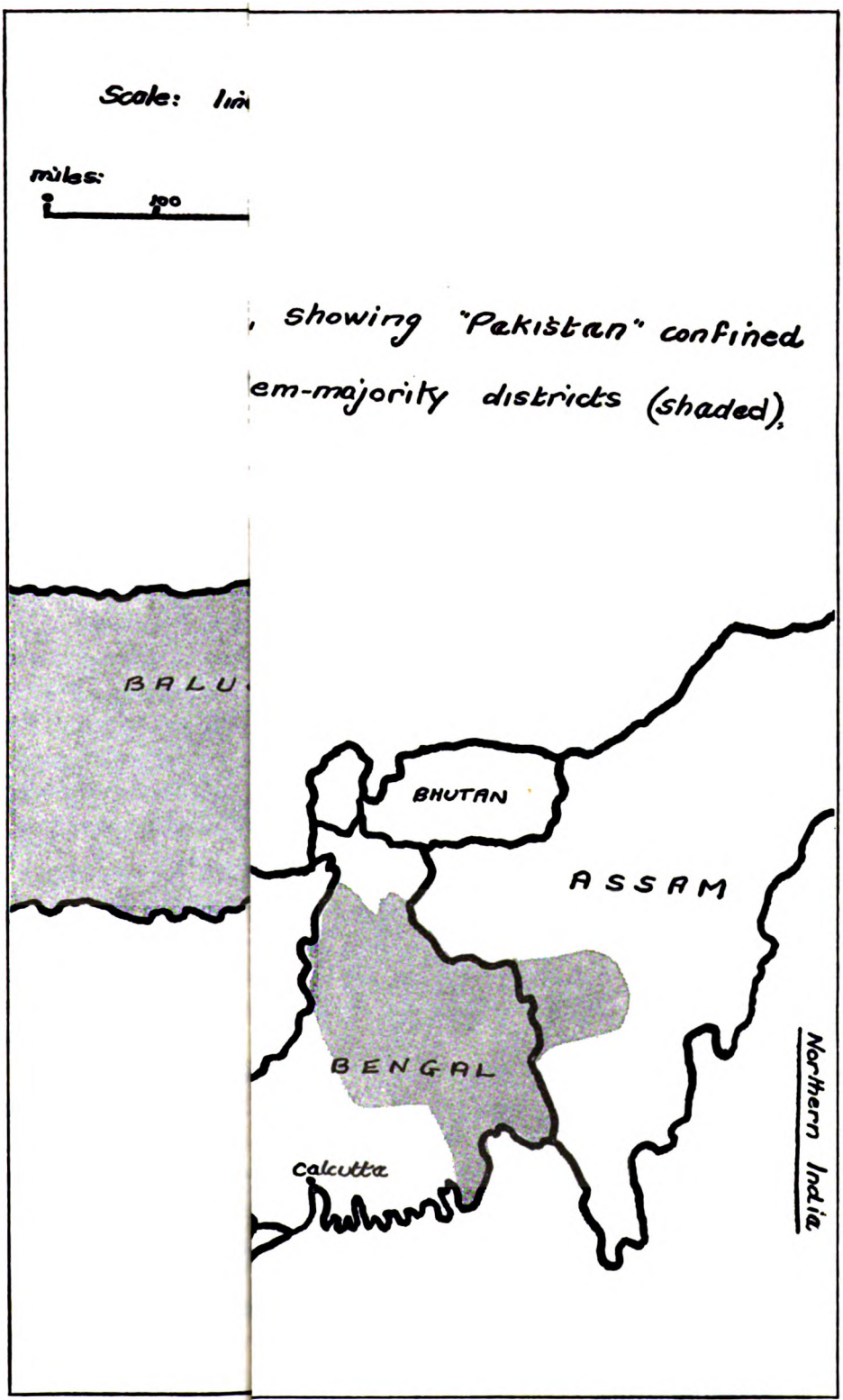

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/23

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
13 February 1946

Thank you for your letter of the 1st February.[1]

2. The Burrows have arrived, and I very much like the look of them. He is steady, sensible and straight and will not get rattled. He is busy seeing Members and officials of the Central Government; and she is attending the W.V.S. and Red Cross conferences.

3. The food situation is uppermost in our mind here. I have sent you a telegram[2] giving the impressions of my tour in Madras and Mysore. We are to discuss today in Council the proposal of Food Department to cut the ration all over India. I gather that the Punjab will play on this, but Glancy is coming here to discuss the matter tomorrow. Wylie is also coming from the United Provinces. Experts are coming from Bengal to emphasise their difficulties, but we shall have to bring them into line. I think the cut may lead to serious repercussions among labour, but these will have to be faced. There is at least some hope of a little saving rain in the north. We have had some showers and shall get something more substantial soon, I trust.

4. I decided on my return from tour that I ought to see Gandhi and Jinnah, put the situation to them, and ask for their co-operation. Gandhi could not come to Delhi, but I saw Jinnah yesterday. Jinnah promised to help and the Muslim League have nominated representatives to go with the Food Delegation to London. Incidentally, Srivastava is now sick and Mudaliar will have to lead the delegation.

I sent Abell to see Gandhi at Sevagram.[3] One of his staff had said over the telephone the day before that Gandhi could not help at all, but Abell found him in a more reasonable mood than he expected. It was Gandhi's day of silence, but he listened with attention to the message I had sent and to Abell's account of the situation. He would not promise to issue an immediate press statement but said he would think over this. He did, however, make it clear that he would use his influence to discourage hoarding, to allay panic and to spread the doctrine that there must be sacrifices by all in order that the people in the villages of southern India should be able to survive.

Gandhi is in a somewhat difficult position because the Working Committee are very bitter against the present Executive Council and have a special grudge

[1] No. 392. [2] 321-S of 10 February. L/E/8/3329. [3] See No. 420.

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against Srivastava. Gandhi recommended that I should send for Azad and talk to him, and this I will do. But Azad will not be here for a day or two: he is at present on the way from Assam to Calcutta.

Gandhi is very anxious that the rich should suffer the same hardships as the poor, but this is not easy to arrange with only cereals rationed, since the rich are usually less dependent on them.

5. We shall await anxiously the result of the delegation's efforts in London and Washington. I am very glad our figures have been accepted and that we shall get full support.

The scope of the drought problem in Madras is indicated by the map I send with this letter.[4] It is already out of date as the "surplus" areas are mostly surplus no longer.

Casey has offered to help us in Washington where he is going shortly and we have welcomed his assistance in securing more food.

6. I enclose a press cutting about the Parliamentary Delegation's last Press conference. I understand it was held in a much more friendly atmosphere than their first one and I think they all deserve credit for their discretion and helpful attitude.

7. Here is some information about the three Labour Members nominated to the Assembly. The first is Miss Maniben Mulji Kara. She has been working in the Trade Union Movement for over 15 years and is President of the Indian Federation of Labour. The second is Mr. S. Guruswami, who is the Secretary of the All-India Railwaymen's Federation. Throughout the war he adopted a realistic and reasonable attitude towards labour questions. The third is Mr. Aftab Ali, who is the President of the Indian Seamen's Union, Calcutta, and started life as a coal trimmer. He is a Member of the Bengal Legislative Council representing the War Transport Trade Union and has recently got a commission in the Royal Indian Naval Reserve. He represented Indian seamen at the recent International Labour Conference.

I think that these should make three effective representatives for Labour.

[Para. 8, on preparations for the Indian Art Exhibition, omitted.]

9. Thank you for promising to look into the passage situation. This is now again causing hardship and criticism. It was front page news in the *Statesman* today.

10. You ask whether the possibility of the Khalifat becoming a burning question again in India is an objection to bringing the body of the ex-Sultan of Turkey for burial in Hyderabad. The Khalifat issue seems to be dead and I do not think this objection need worry us. I will inform Lothian that if the Nizam raises the matter again he may say that His Majesty's Government have no objection to the body being buried in Hyderabad.

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11. The Rewa deposition went off practically without incident, though the story of what happened is dramatic. We were lucky, I think, as the Maharajah was not in Rewa city, but out in camp in the country, trying to beat up support for himself, I suspect, and the Resident[5] found him close to the border and was able to put him over it at once. So far there has been no serious reaction either from the Princes or from Congress, I think they both recognise that the ex-Maharaja is too discreditable a personality for strong support.

Both Sapru and Jayakar have found themselves unable to serve on the Rewa Constitutional Committee and I have now invited Sir N. Gopalaswami Iyengar, who for a long time was a Member of the Board of Revenue in Madras, was then Prime Minister of Kashmir for about five years, and is now a Member of the Council of State. He will certainly not be regarded by the public as a man of the same calibre as Sapru or Jayakar and it is a pity neither of these could accept.

12. In my letter of the 29th of last month[6] I said that I would let you have a further report on the settlement of the financial issues between the Punjab and Sind, arising out of the distribution of the Indus waters. Both Provinces are now very much involved with electoral and political business, and I do not see any likelihood of immediate progress. It is planned however to have a meeting of Chief Ministers and Chief Engineers in Delhi some time in April, and we hope to reach a settlement at the Ministerial level as a result.

13. Is there any progress in the matter of my proposal that an assurance should be given to the members of the Services in India, both British and Indian, that in the event of constitutional changes, His Majesty's Government would be prepared to underwrite the pensionary rights of both these Services? You told me in your letter of the 27th December[7] that the matter was being examined.

14. The Muslim League seems to have decided to make forcible protest against the sentence of 7 years' rigorous imprisonment passed by the Commander-in-Chief on Abdul Rashid of the I.N.A. This man was guilty of gross brutality to fellow Indians and had one man hung up and beaten in his presence until he lost consciousness. The argument apparently is that the leniency shown in the first I.N.A. trial was entirely due to Congress pressure and that the Muslim League must show in the case of Abdul Rashid that they are equally good at agitation. Jinnah made a strong speech on the subject in the Assembly which he summarised to me when I asked him to talk to me about food. On the 11th February protest demonstrations led to trouble in Calcutta. By 9 p.m. on that day lorries were being burnt in north Calcutta and the police had to open fire three or four times. The agitation was a students' agitation, but it is believed

[4] Map not printed in L/PO/10/23. [5] Lt.-Col. Campbell. [6] No. 390. [7] L/PO/10/25.

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to be backed by the Muslim League. According to the latest reports which will reach you by telegram[8] before this letter, it has been necessary in [on] the 12th to call in military aid.

15. I saw Brailsford and his wife for a short time this morning, they seemed to be having a satisfactory tour.

Enclosure to No. 429

CUTTING FROM *STATESMAN*, DELHI, DATED THE 9TH FEBRUARY 1946. BRITISH SINCERE ABOUT INTENTION TO GIVE INDIA INDEPENDENCE.

In a farewell talk to Pressmen at New Delhi on Friday evening[9] Mr. Richards, leader of the British Parliamentary Delegation, said: "The fact that we were here at the time of the general elections has enabled us to gauge something of the feeling in India on the one great question about which every party is united. There are deep divisions among you, but those divisions disappear in the unity with which you, in my opinion very rightly, demand a measure of self-government at this time."

"There are several views on that particular question, but I do say that we are all conscious of the fact that India has at last attained political manhood, and it will be the privilege of the Government in England, I hope, to extend and further that confidence which India has in herself and in her ability to take her place among the free nations of the world."

In reply to a question, Mr. Richards explained that by "a measure of self-government" "we mean complete self-government, not self-government by stages".

He agreed that beneath all the difference between the Indian political parties there was a unanimous feeling that India should be independent.

A correspondent asked what the delegation would recommend to the British Government on the three views: "Quit India", "Quit India, but split India", and "Stay put as long as you can".

Mr. Richards replied: "Our report must be first of all to the Government in England for the simple reason that we as a delegation are representative of Parliament and have no authority to pronounce on these very difficult questions. We shall give our honest opinion to the Government, and it will be for the Government, on the basis of our opinion *plus* other information which any Government must have to decide what answer is to be given to these questions."

On behalf of the delegation, Mr. Richards extended to India, "our warmest welcome to join as a free nation along with our great nation in extending the liberties and prosperity of a much-tortured world".

Major Wyatt said: "I think that India must become independent this year. I would only qualify it by saying that, if she does not become independent this

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year, then her feet must be set irrevocably on the road to independence—steps which must, within a very short period, mean India's full independence."

"There is no more any question of saying, 'Indians cannot agree among themselves and, therefore, they must continue to be ruled by us'."

About Indo-British Union he said: "As far as I can see, Dominion Status has no application at all in India, because dominions are founded on racial similarities. All I have in mind about an Indo-British Union is that, when independence is achieved by India—and I hope very shortly—there obviously must be some kind of treaty relationship between India and Britain, because there are many points on which we have a common interest—trade, finance and other things. I think a much better and stronger union would be based on some kind of a treaty of alliance as between two equal partners. This must of course be absolutely voluntary."

FOOD SHORTAGE

"There was one thing which worried me a great deal, while going round India. People, particularly some of the political leaders, still do not seem to believe that Britain is sincere about her intention to give India independence. No greater mistake could possibly be made. Britain is absolutely dead sincere about it. Our only difficulty is to find a graceful and friendly way out. To assume that we are in any way indulging in devices to retain power here is completely and utterly wrong and it may lead to a situation in which independence arrives in India at a moment when people are not psychologically prepared for it and do not have machinery ready to take over the task of administration."

"It is only commonsense that we should want to see India independent in the shortest possible time so that we can retain her goodwill and have her as an ally and not as a political enemy. India will be important to us both strategically and for purposes of trade."

About Pakistan, he said: "It is obviously in the mind of every Englishman that there should be a united India. But on the other hand, provincial boundaries are so aligned and seats in Provincial Assemblies are so arranged at the moment, that it is almost impossible for the Muslim League to form a Ministry in any Province. Nevertheless that does not necessarily invalidate the Muslim League's claims because it is quite possible, when all these Provincial elections are over, that there will be a majority of Muslims in favour of Pakistan and one must not neglect it."

All members of the delegation, he said, "were concerned about the impending food shortage in India. When the delegation went back to England, it would do all it could to press upon the Government the vital need of using all

[8] Telegrams on the Calcutta situation are on L/P&J/8/573. [9] 8 February 1946.

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international means at the disposal of the British Government to increase import of food into India".

Mr. Nicholson remarked: "It is certainly my view that nothing should be allowed to stand in the way of self-government for India."

Mr. Nicholson expressed profound regret at having to leave India. "When we go back to England, we shall carry back the report of a great and noble nation that has reached the full stature of political manhood."

"The first object of the Conservative Party's Indian policy is to see that India becomes mistress in her own house. Difficulties there may be, difficulties that we shall both have to try and solve. There will be no lack of goodwill on our part. I am sure there will be no lack of goodwill here. I am firmly convinced that we have made a very very great mistake in England in not seeing to it that there was very much more contact between the British political world and the Indian."

NO PESSIMISM

"I am not at all pessimistic about the Indian situation. I do not ignore the difficulties, but from my own short knowledge of India I am convinced that we look on things from very much the same point of view fundamentally."

Mr. Bottomley said: "I agree that it is urgent that independence should be granted to India. Communalism in Indian politics is a very vital question but, speaking as a trade unionist, I would say that whatever settlement you may get will not be a settlement for the worker. The worker has still got to carry on with the struggle. You can gain your independence but lose the struggle unless the workers are organised to protect their rights. From my point of view economic freedom is as important as political freedom."

"There is no difference between us that imperialism is out of date. I am one who believes that sovereignty is out of date too. I believe that the Marxian solution, 'workers of the world unite' is fast becoming a reality. I hope that India is going to take her part in this great organisation of nations struggling for freedom not merely on the basis of political independence but on the basis of economic freedom for all."

Referring to the question of Pakistan, Mr. Sorensen said that whatever might be said for Pakistan on other grounds, he could not accept the argument that "because there are Christians, Jews, Parsis, Muslims and Hindus in this country, they are so many different nations".

"It is highly dangerous to try and establish Pakistan purely on the basis of religion because a State established on that basis may lead to heresy hunting and fear of the infidel, and ultimately to some kind of theological, totalitarian State. I would appeal to Indians not to engage in any loose talk about fighting out in India the issue of Pakistan and Hindustan."

When a correspondent asked Mr. Sorensen whether he agreed with the

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demand for self-determination for Muslim majority areas, Mr. Sorensen replied that his remarks applied only to the demand based on religion. As the mission was to report to Parliament, he would not like, at this stage, to give his views on the other grounds that had been advanced.

DUST OF INDIA

Mr. Sorensen said: "One thing which I shall never forget is the dust of India, both in the figurative and in the literal sense. The dust of India, I believe, does contain potentialities for great social expansion and cultural magnificence in the days to come. I look forward to seeing in my own day an India arising such as has never been seen before, an India which will give an example to the world, an India which will sweep away her appalling poverty, which is partly man-made and partly nature-made but not incapable of solution by man."

Of all the freedoms which India was pursuing, the freedom of women from her [their] ancient thraldom and subordination was as necessary as the rest.

Mrs. Nichol considered the educational system of India "nothing short of disgraceful". There was no compulsory education and where it had been put into operation, there were not enough schools of good quality. The teachers were scandalously paid, judged by any standards.

Mrs. Nichol admired the good work women were doing socially, but said that the poverty of India was beyond the help of social work. The social problem had to be tackled from the bottom; it was too great a problem to be tackled philanthropically or by people who were willing to give of their leisure, time and money.

Lord Munster, former Under Secretary of State for India said: "Whatever we can do at home to support the principles of self-government we shall do, but at the same time I do really feel that there must be a spirit of give and take among the Indian political parties."

He had been impressed by the vast agricultural and industrial development in India but also by the sad neglect of education. There was a long way to go in this matter. He had been more than impressed with what he had seen of the Indian Army, and was particularly struck by the young Indian boys at many of the units he visited. He felt that here was real good stock for the future Indian army. He thought it was due to the Commander-in-Chief that these units had been formed.

He believed that the princely element was one of the vital factors in the Indian situation. He also expressed his belief that "with goodwill on the part of the Indian political parties—there is no lack of goodwill on the part of the British people if only you would believe it—we can look forward in the very immediate future to some settlement which will give you what everyone desires—the early realisation of self-government by India".

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Lord Chorley said that the warmth of the reception accorded to members of the delegation showed that however much enmity there might be towards the Government of England and the policy which England might have pursued in the past, and however much that policy had been misunderstood at the present time, nevertheless there was individual goodwill which was a good augury for the future.

SOCIAL PROBLEMS

He said that the glamour of India must not conceal from them the tremendous poverty and backward social conditions all over India. It was quite natural that where there was a tremendous urge towards independence and an enormous concentration on politics, some of the other very pressing problems might be overlooked. But it would be better if some of the terrific social problems which existed in this country were tackled.

"Pakistan", he said, "is an issue which has occupied us most of the time, but the question of the States is obviously only second to that. Pakistan is a minority problem, but there are other minority problems which, though they do not loom so large, are just as complex and have got to be handled firmly and competently if a good solution is to be reached. I was absolutely appalled at the position of the Scheduled Castes, particularly in South India. I do not feel that enough energy has been put into removing what is the worst blot on India at the present time." Similarly, the Sikh problem was equally difficult and complex.

He, however, did not believe that there was any political problem which could not be solved. If there was one thing on which they were all united, it was that the problem was one of very great urgency and must be tackled within the next few months. "If one has learnt no more than that and if one is able to bring that matter home to the people of England, then I am quite satisfied that our journey to India will not have been in vain."

Brig. Low expressed appreciation of the boys' companies of the Indian military forces which the Commander-in-Chief had started. "I am quite confident that the schemes which are being developed now for the complete manning of the officer branch of the Army by Indians as soon as possible will work, and I am sure we all wish them godspeed."

Mr. Hopkin Morris said that he deeply regretted he could not meet Mr. Srinivasa Sastri at Madras, who was ill. "We are all agreed," he added, "that the time has come for India to enjoy a complete measure of self-government within the framework of the British Commonwealth of Nations."

Several members of the delegation nodded in approval of a correspondent's suggestion that when they went back to England, the delegation should impress upon the people the great importance of reciprocating towards Indian students and other Indian visitors the same standard of kindness and hospitality

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as the members of the delegation had acknowledged having received in India. Mr. Richards in reply said: "We all regret the deplorable behaviour of Englishmen in India. We have been impressed by the fact that there happen to be two societies, and Englishmen coming out here have kept so long aloof from their colleagues even in the services of this country."—A.P.I.

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General Auchinleck to Field Marshal Viscount Alanbrooke

Telegram, L/WS/1/1008: f 102

MOST IMMEDIATE *14 February 1946*
TOP SECRET

No. IND. 0680. Personal for CIGS from General Auchinleck. Your 96169 CIGS of 4 February.[1] Regret delay in replying but Viceroy and I have both been on tour. My view of situation is as follows

FIRST. It is not possible to make an accurate and satisfactory appreciation on ordinary military lines because no one can forecast with any certainty the extent or degree of the hostile action with which we may have to deal. Such action may vary from complete rebellion aided by the whole or great majority of the Indian Armed Forces and supported by the tribes of the North West Frontier to isolated civil disturbances in different parts of the country in suppression of which it may be possible to use Indian Armed Forces in support of the Indian Police. Between these two extremes there are an infinite number of intermediate crises which might arise which cannot be defined with military accuracy thus making it impossible to draw up plans to meet every contingency.

SECOND. In addition to the above possibilities of anti-Government action there is the equally if not more serious possibility of a religious war on a large scale and covering the greater part of India between Hindus and Moslems. This contingency is becoming more dangerous as time goes on and should it arise will be extremely difficult to meet as it is more than likely that it will be impossible to rely on either the Police or the Indian Armed Forces to take action for the restoration of law and order if this means firing on their own co-religionists. This means that British troops alone would be available to restore the situation and the use of British troops in such circumstances would almost certainly result in turning communal strife into anti-Government action by both parties. In this event we would again be faced by the risk of the India[n] Armed Forces throwing in their lot with the insurgent elements as there is

[1] No. 394.

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little doubt that the rank and file of these forces would have been badly shaken and disturbed by the initial communal strife.

THIRD. It can be realised therefore that if the worst comes to the worst British troops will be the only stable element in the country and that unless the essential key points can be held with reasonable certainty the maintenance of these troops may well become impossible. These key points are in my opinion the capital Delhi whence alone control can be exercised and the four chief ports Bombay Karachi Calcutta and Madras.

FOURTH. I have at present following British troops available:

Infantry Battalions	30
Armoured Regiments	4
Artillery Regiments	17

plus about one hundred thousand British personnel in Staffs Engineer Signal and Administrative units Transit Camps Training Centres etc. There are also the RAF personnel distributed throughout India but not really organised for action.

FIFTH. In the circumstances and especially in view of the complete uncertainty as to the political outcome of the present most confused situation in India it is impossible for me to say that the immediate despatch of three British Brigade Groups to India is essential. I can and do say that as an insurance their despatch would be desirable in order to minimise any risk there may be of loss of control of the key points mention(ed) in my Fourth [Third] above. The need for Brigade Groups as opposed to Brigades will I think be evident from my estimate of the possibilities inherent in the situation but it is possible that I could add to the Infantry the necessary Artillery and other units from forces already in India. It can be argued that the arrival of these Brigades might have a steadying effect but I am not convinced myself that this would necessarily be so and I doubt if this is sufficient justification for their despatch.

SIXTH. Please pass copy of this to General Mayne.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: f 156

TOP SECRET INDIA OFFICE, *14 February 1946, 12.30 pm*
IMMEDIATE

3225. Superintendent series. Your telegram 337 of 13th Feb.[1] Very shortly after announcement is made my colleagues will settle down to detailed examination

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of breakdown plans. While I cannot expect them to take any final decision before then I should judge from what I know of how their minds are working that it is most unlikely that they will favour either of the extreme courses which you deprecate.

2. I agree that the Governors should be informed in advance of the announcement but I should prefer that it should not be done until as near as possible to the actual time of the announcement. Statement will be made here on Tuesday afternoon which is Tuesday evening in India and I would be willing for them to receive the information on Monday.

[1] No. 423.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/P&S/13/998: f 126

TOP SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 681/12 *14 February 1946*

My dear Pethick-Lawrence,

You asked me in your letter of the 24th January[1] for an appreciation about the probable attitude of Hyderabad towards the constitutional discussions. I have consulted Lothian and Political Department, but it is difficult to be definite on most points. The one exception is the unwillingness of Hyderabad to commit itself to any union with other territories.

2. The rest is mainly speculation. The Nizam's Government will probably wait till more is known of H.M.G.'s intentions before they commit themselves. Their demand will be for an independent status within the Empire. If they were forced to associate themselves with a Hindu Union, they would demand that Hyderabad should be given an outlet to the sea, probably by a new railway line through the Deccan States to Goa. They might use as bargaining counters their claims for the return of Berar and their rights under the 1802 Treaty.

3. I doubt whether Hyderabad could maintain herself in isolation for long unless she secured a port and the right to transport her goods across the intervening territory free of duty. On the other hand there is a long tradition of Muslim rule and it may be that Hyderabad will have a higher degree of cohesion than some of the Provinces where regional animosities will be strong.

4. Lothian reports that the Nizam told Monckton that nothing would induce him to abandon his claims to Berar even if it meant conceding it full autonomy

[1] No. 377.

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under his sovereignty, but the Nizam's Government are probably more realistic in this matter than the Nizam and might use Berar and the ceded territories merely as a bargaining counter.

5. I have had some talk with Monckton. He hopes that he has managed to get the Nizam into a more reasonable frame of mind about the necessity for changes in the near future. The Nizam, he says, will now implement his long-standing promises about constitutional reforms.

Yours sincerely,
WAVELL

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Cabinet Delegation to India. Paper C.D.I. (3)

L/P&J/10/21: ff 30–37

Note by Lord Pethick-Lawrence

INDIA OFFICE, *14 February 1946*

I circulate for consideration and discussion the attached note by my Officials.

P.-L.

THE MUSLIM PROBLEM

Safeguards for the Muslim Majority areas in a Constitution-Making Body

1. The publicly stated purpose of the conversations preliminary to the setting up of the Constitution-making Body is to ascertain whether the 1942 Draft Declaration is acceptable to the leaders of the main Indian parties or whether some alternative scheme is preferable. The Cripps Offer dealt with the Pakistan claim by means of the provincial option provision. One of the first questions which is bound to be raised in the conversations is whether H.M.G. contemplate Provincial Option as the safeguard for the Muslim majority areas, and if so how it is to be exercisable.

2. The Draft Declaration of 1942 contains nothing in regard to the method of exercising the Option. When this was raised in the 1942 conversations Sir Stafford Cripps proposed that it should be exercised by a vote in the Provincial Legislature on a Motion that the Province should stand in to the Indian Union. If there were not a majority of 60% or more for this resolution the minority was to have a right to demand a plebiscite of the adult male population. The necessity for devising this formula arose from the fact that in the Punjab although the Moslems are more than 50% of the population they have less than 50% of the seats in the Legislature. This is due to the weightage given to minorities in Provincial Legislatures under the 1935 Act.

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3. The 60% majority or plebiscite formula is virtually certain to result in plebiscites being held in the Punjab and Bengal and possibly in other Provinces. The Viceroy when he was here last August urged the extreme danger of a plebiscite particularly in the Punjab where he thought it might lead to civil war. The reason for this is that the Sikhs oppose Pakistan which will make them a minority under Muslim rule, or divide them, and the large Hindu majority areas in the Western Punjab will be strongly opposed to inclusion in Pakistan.

4. It seems therefore very desirable to get away from a plebiscite as a means of deciding the issue. If the parties were agreed on accepting the formula proposed by Sir Stafford Cripps H.M.G. would no doubt have to accept it, but this does not seem likely. The only alternative yet propounded is an arrangement by which the votes of the members of the Legislatures are weighted in proportion to the size of the communities which they represent. (This suggestion is made in Annexure II to the Viceroy's memorandum in I.B. (46) 4).[1] The objection to this is that it opens the door to corruption. It also has a rather artificial air.

5. The probable attitude of the main parties on the provincial option issue seems to be as follows. The Muslim League may take up one of two positions:—

(1) That they accept provincial option but that it must be exercised by the vote of Muslims only, whether this is by a vote of the legislature or a plebiscite.
(2) That the Muslim League will in no circumstances co-operate in the Constitution-making Body for India as a whole; that provincial option under any formula is not sufficient safeguard; that Pakistan must be recognised from the outset and a separate Constitution-making Body set up to create a constitution for it. Mr. Jinnah would, however, probably concede that, *subsequently*, there should be frontier revision. (This is in accordance with the most recent indications of Mr. Jinnah's attitude.)

The Hindus may adopt one of the following positions:—

(a) That in no circumstances will they accept the partition of India.
(b) That they accept provincial option on the basis either of a straight vote in the Legislature or of the 60% majority or plebiscite formula.
(c) That they recognise the right of predominantly Muslim areas to self-determination, but that this must be given effect by a plebiscite of adult male population taken by districts. Districts contiguous to Hindustan which vote against Pakistan must be included in the former.

[1] The reference should be to Annexure B to No. 337; i.e. Enclosure 4 to No. 315.

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6. Assuming that it is not possible to reach agreement between the Congress and the Muslim League on this crucial subject, two main alternative courses present themselves:—

(a) to adhere to the principle (which is one of the broad principles of the 1942 Declaration) that *an attempt* must be made to form a constitution for a Union of all-India by a single all-India constitution making body and that the principle of Pakistan can only be recognised after this attempt has failed: or

(b) to decide and announce that H.M.G. are satisfied that no progress can be made on the basis of such an attempt; that they adhere to the principles proposed by the Viceroy, namely that if the Muslims insist on self-determination in genuinely Muslim areas, this must be conceded, but that there can be no question of compelling large non-Muslim populations to remain in Pakistan against their will; and that they have therefore decided to set up two Constitution-making Bodies, one for Hindu India and the other for Muslim India; and that they themselves have decided that for this purpose the Muslim areas should be defined in a certain manner. (The actual partition proposals have now been received and have been circulated separately).[2]

7. The arguments in favour of insisting on an attempt to form an all-India Constitution are as follows:—

(1) There are at least serious doubts as to the "viability" of Pakistan. (A separate paper[3] is being circulated on this subject).

(2) The 1942 Offer contemplated such an attempt subject to provincial option, and H.M.G. should not of their own volition depart from their declared policy more than is necessary, especially if to do so is against their own convictions.

(3) A decision that a part or parts of India shall be outside the field of the Constitution-making Body necessitates defining that area before the Constitution-making Body can go to work. As soon as the definition is given the Sikh problem will come up in an acute form with serious possibilities of disturbances in the Punjab.

(4) The Congress Party, the Hindus generally, and above all Mr. Gandhi in person, are not likely to co-operate either in the constitution-making process or in subsequent developments unless there is an attempt to create a constitution for all-India and the impossibility of doing so has been clearly established in practice.

(5) If there is to be partition, the burden of a decision to that effect should fall on Indians themselves. The Congress Party should have an opportunity to formulate in precise terms what they propose should be the

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character of the all-India constitution which they advocate, including the safeguards which they are prepared to offer to the Muslims and other minorities within an Indian Union. Unless an opportunity is given for this to be done and the proposition so formulated is rejected by the Muslims, the British Government is likely to be charged with deliberately preventing the realisation of a united India and with a new and more heinous example of 'divide and rule'. It will also probably be alleged that H.M.G. are doing so in order to promote their own trade interests in India.

(6) The States will more readily co-operate in a Constitution-making Body for an all-India constitution. As soon as the principle of partition is finally decided upon the ambitions of certain large States such as Hyderabad for recognition as independent States will come into play.

8. On the other hand there are the following arguments in favour of the second alternative in paragraph 6 above:—

(a) If a single Constitution-making Body is convened on an all-India basis and the Muslim League absent themselves, the proceedings may be pure waste of time if it is the firm intention of the Muslim League to reject any offer to participate in an all-India Union. Some months might be spent in formulating an all-India constitution with safeguards for Muslims and minorities which would be a much less centralised organisation than would be set up if there were no hope of the predominantly Muslim areas being included. Consequently, if the attempt to frame an all-India constitution failed, some months at least would be lost and the danger of a sense of frustration accompanied by disturbances developing would be greatly enhanced.

(b) If an all-India Constitution-making Body is convened contrary to the expressed wish of the Muslim League, the Muslims may decide to attend, but do so in a wrecking spirit. Proceedings might be reduced to a farce with similar dangerous consequences, and a great deal of heat and communal bitterness be generated in the process which would endanger any chance of a working arrangement between Hindu and Muslim India being reached at a later stage.

(c) Unless and until the Muslims apply themselves to the realities of making a constitution for Pakistan alone they are unlikely to be amenable about their relations with Hindu India, and therefore the sooner they are forced to go through this process the better.

(d) If two Constitution-making Bodies were set up simultaneously H.M.G. and the Viceroy would have an opportunity of acting as go-betweens, and there might come a stage at which the relations between Pakistan

[2] No. 428. [3] No. 427.

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and Hindustan could be usefully discussed, leading in fact to greater unity than may be reached in any other way.

It should be noted however that if the decision is for setting up a Constitution-making Body to create an all-India constitution, H.M.G. will be called upon by the Congress to say that its findings will be implemented. They can only say this subject to some safeguard for the Muslim majority areas—provincial option or some similar device. The difficulties of finding a practicable means of exercising such an option is therefore an argument for the second alternative.

9. If it is decided to face these difficulties and to insist on an attempt to form a constitution for a Union of India the following alternative to Provincial Option may be worth considering. If, as is suggested in another paper (C.D.I. (4)),[4] the constitution-making Body is constituted not by Provincial Lower Chambers acting as a single electoral body but either by the Provincial Lower Chambers voting separately or by electing a replica of the Federal Legislature under the Government of India Act of 1935, the Constitution-making Body will consist, so far as the Congress and the Muslims are concerned, of provincial delegations. In that case H.M.G. might say that they will in any case implement the outcome of the Constitution-making Body in respect of Provinces other than the Punjab, Sind, Assam, the North West Frontier Province and Bengal, but will not undertake, in advance, to do so in respect of the other five Provinces, unless three-quarters of their delegates to the Constitution-making Body vote in favour of the proposed Constitution. It would seem, however, that it would have to be added that in the event of those five Provinces standing out, a separate Constitution-making Body would be set up for them but that H.M.G. would then give a ruling as to what are the predominantly Muslim areas in respect of which they will undertake to implement the findings of the second Constitution-making Body. Areas in the five Provinces concerned not included in this area would either have an option exercisable by districts or a vote of persons qualified as voters for the Provincial Legislative Assembly, as between the two constitutions finally framed. If it were desired to avoid even this form of option then failing agreement otherwise H.M.G. would give a ruling as to which of these districts would be included in Pakistan.

It would be unlikely on this proposition that the Muslim League would refuse to take part in electing representatives to the Constitution-making Body and the maximum inducement actually to attend an all-India Constitution-making Body would be provided. It may be objected, however, that if the Muslim League representatives stay away no steps could be taken towards settling the constitution for the predominantly Muslim areas until the Constitution-making body has completed its work and a final vote of the delegates for or against the proposed new constitution has been taken. A means of avoiding this can be found in the Viceroy's proposal that the Constitution-

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making Body should meet in two sessions with an interval of six months. At the first session the outlines of the constitution would be drafted. These would be circulated to Provincial and State Governments for observations and the constitution would be finalised in the light of the comments in the second session. On this layout a vote could be taken on the draft proposals put forward at the end of the first session, and, if a three-quarters majority of the five Muslim majority Provinces was not recorded in favour of them, a Constitution-making Body could then be set up for those areas, H.M.G. making at this stage the statement already suggested that certain defined areas in those Provinces would have the option between the two new States or, alternatively, be included in Hindustan by decision of H.M.G. This course meets the arguments for insisting on an attempt to frame a constitution for India as a whole at less cost in delay and also provides for the possibility of negotiation between the two Constitution-making Bodies during the second session of the all-India C.M.B. If the Moslem League stay away the minority interests within the Pakistan areas would none the less attend the all-India C.M.B. in its first session and be able to represent the point of view of the minorities in those areas who have a very strong interest in a Union of all-India coming into being. Moreover, if the Moslem League do not attend, their representatives could be asked to meet separately simultaneously with the first session of the all-India C.M.B., and to begin working out the kind of constitution which they desire for the Pakistan area so that if and when a constitution-making body is formally set up for that area detailed proposals would be available for submission to it.

Annexure to No. 433

Statement showing estimated communal proportions of delegations to the C.M.B. from the Moslem Majority Provinces, on the assumption that the C.M.B. is constituted by the election by proportional representation by Provincial Legislative Assemblies, voting separately, of one tenth of their own number. It will be seen that on the three-quarters majority formula proposed in the above note, only in Assam would it be possible for acceptance of the proposed constitution to take place without a split in the Muslim representation on the Provincial delegation.

1. *Bengal*

No. of Seats	250
Delegation	25
Quota	$\frac{250}{25+1}+1 = 10$

[4] No. 438.

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Estimated Communal Distribution	Hindu (incl. S.C.) (i.e. Congress)	Muslim	European
	10	12	3

$\frac{3}{4}$ majority 19

Thus a $\frac{3}{4}$ majority would only be possible with a substantial split in the Muslim vote.

2. *Punjab*

No. of Seats 175
Delegation 18
Quota $\frac{175}{18+1}+1 = 10$

Estimated Communal Distribution	Hindu	Sikh	Muslim
	5	4	9

$\frac{3}{4}$ majority 13. Non Pakistan vote = 9

Again a Muslim split would be necessary to get a $\frac{3}{4}$ majority.

3. *Assam*

No. of Seats 108
Delegation 11
Quota $\frac{108}{11+1}+1 = 10$

Estimated Communal Distribution	Hindu & Backward Areas	Muslim	European
	7	3	1

$\frac{3}{4}$ majority 8.

Acceptance would be possible.

4. *Sind*

No. of Seats 60
Delegation 6
Quota $\frac{60}{6+1}+1 = 9$

Estimated Communal Distribution	Hindu	Muslim
	3	3

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5. *N.W.F.P.*

No. of Seats	50	
Delegation	5	
Quota	9	
Estimated Distribution?	Hindu	Muslim
	1	4

In neither Sind nor N.W.F.P. would acceptance be possible without the Muslim vote being broken up.

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Cabinet Delegation to India. Paper C.D.I. (5)

L/P&J/10/21: ff 49–54

Note by Lord Pethick-Lawrence

INDIA OFFICE, *15 February 1946*

I circulate for discussion a note by officials on Policy towards the Indian States.

P.-L.

POLICY ON INDIAN STATES

A general decision is required on the extent to which H.M.G. intends, or will be able, to maintain or modify the present relationship of the Indian States with the Crown and their Treaty Rights.

2. In his speech to the Chamber of Princes on the 17th January (the text of which was approved by the India and Burma Committee)[1] the Viceroy said:—[2]

"I can assure you that there is no intention on our part to initiate any change in this relationship or these rights without your consent. I am confident that Your Highnesses will, through your accredited representatives, take your full share in the preliminary discussions which were announced in my broadcast of September 19th, as well as the intended Constitution-making body; and your consent to any changes which emerge as a result of these negotiations will not unreasonably be withheld."

3. The Chancellor of the Chamber (the Nawab of Bhopal), in a speech on 18th January conveying the Chamber's reply to the Viceroy, said:—[3]

"We are grateful to Your Excellency for the reassurance that there is no intention to initiate any change in our relationship with the Crown or the

[1] No. 299, Minute 1.

[2] See *Proceedings of the Meetings of the Chamber of Princes (Narendra Mandal) held at New Delhi on the 17th and 18th January 1946* (Government of India Press, New Delhi, 1946), p. 5.

[3] See *ibid.*, p. 33.

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rights guaranteed by our Treaties and Engagements without our consent. We have already declared that we have no intention of withholding our consent to any adjustments which may be required under the future constitutional arrangements in India and which we consider reasonable in the wider interests of India."

4. The main aspects of this relationship and these rights were set out in Memorandum I.B. (45) 14.[4] They are, very briefly:—

(1) Personal and Dynastic affairs of Rulers (including e.g. successions, titles, minority administrations, etc.). Rulers, whether their States accede to a Union or not, will probably wish to retain their relationship with the Crown in such matters, and there should be no difficulty about this.

(2) Internal Protection of the regime against insurrection within the State or incursions (e.g. led by Congress or Muslim agitators or Akali Sikhs) from neighbouring territory. Such protection in present circumstances can be given (a) by a central police force called "the Crown Representative's Police" (charged on Indian Central Revenues), bodies of which can be drafted into States as necessary, (b) in the last resort by British Troops. The question arises whether the British Crown will in future have forces or police at its disposal in India and facilities for moving them about; if not, it will be unable to fulfil its obligations under this head.

(3) External protection from foreign aggression. This is necessarily bound up with the defence of India as a whole, which is likely to be regulated by Treaty between H.M.G. and the new Indian Government or Governments. This may be brought under the aegis of the United Nations, but the United Nations would no doubt in practice delegate the responsibility to Britain.

(4) Provisions in respect of economic and fiscal matters (e.g. Salt, Posts and Telegraphs, Customs in a few cases, and currency) and in respect of railways and cantonment areas. These will have to be re-negotiated (presumably in the Constitution-making body or with the new Government or Governments) and some provision made in the Treaty to transfer to the new Government(s) the obligations of H.M.G. in these matters, as re-negotiated.

5. The India and Burma Committee, while foreseeing no very special difficulty in respect of 4 (1), (3), and (4)—though of course the readjustments which may become necessary under (4) may involve intricate problems—have felt grave doubts whether, in the event of an Indian Union or Unions being established, it will in fact be possible for the Crown to continue to guarantee effectively the protection of Rulers whose States are adjoined by territories under governments hostile to autocracy and sympathetic to subversive movements:

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the idea was therefore considered of making some formal statement warning the Princes that H.M.G. may not be able to fulfil all its obligations.

6. The Viceroy's current views on this matter—accepted by the India and Burma Committee for the present—are as follows:—

[*There follows the text of the last para. of No. 257 from 'I would deprecate . . .' in the first sentence to the end of the para. with the exception that the second sentence beginning 'The enclosure makes it sufficiently clear . . .' is omitted.*]

7. The Viceroy has however been asked (I. & B Committee Conclusions of 19th December, 1945)[5] "in the light of the Princes reaction to the statement (viz. the Viceroy's speech to the Chamber quoted in paragraph 2 above) and of the all-India situation in the New Year, to consider submitting the draft of a more formal statement to be made either in connection with the convening of the Constitution-making body or at some later stage in the constitutional discussions." He has privately expressed the view "I think it may be difficult to make a formal statement about the position of the princes in the near future",[6] but he has promised a further communication.

8. For the purpose of the forthcoming negotiations in India, the following propositions are suggested as a general Brief for the Ministerial Mission.

(1) The relationship between Rulers and the Crown in respect of personal and dynastic matters should remain, whenever a Ruler so desired. This will involve the maintenance of a Political Service such as now exists, but the cost will presumably have to fall on the Treasury instead of on Indian Central Revenues as at present.

(2) External Defence of States must be treated as part of the Defence of India as a whole. Certain States (e.g. Hyderabad) may argue that if H.M.G. no longer undertakes the defence of the States, areas ceded by States as a condition of such defence should be retroceded. This argument seems unanswerable if H.M.G. actually dissociates itself absolutely from the defence of India: but if there is to be a Treaty whereby H.M.G. aids the new Indian Government(s) to defend the country—whether as Ally or as Agent of the United Nations—it is not reasonable to demand retrocession.

(3) States rights in respect of economic and fiscal matters, and communications, must be renegotiated at some convenient stage (e.g. in the Constitution-making Body or Bodies) with the successors to the present Indian Government. It is unreasonable that the Crown should be expected to ensure the fulfilment of these rights in circumstances which will presumably be fundamentally changed. But the Mission should endeavour

No. 137. [5] No. 299, Minute 1. [6] No. 334, para. 6.

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to include a provision in the Treaty guaranteeing the discharge by the new Government(s) of such obligations as are taken over by them.

(4) As regards Internal Protection, the Mission should aim (a) at impressing on all States the imperative need for making their regimes self-protective —by efficient administration, training of police forces, and in the case of bigger States, use of State military forces for internal security, (b) at securing provision in the Treaty for the maintenance of some British Troops, and freedom of transit for them, earmarked for the maintenance of internal security in States which have not agreed to join a Union [?and] to depend entirely on the Union for such purposes. The cost will presumably have to fall on the Treasury.

(5) The Mission should however bear in mind the doubts felt by the India and Burma Committee and the Viceroy as to the practicability, when the occasion arises, of maintaining internal security in a State which may be threatened with insurrection or incursion, even if a Treaty provision exists on paper. It should consult with the Viceroy on the question whether, and if so at what stage and in what terms, some formal statement warning the Princes of these doubts should be made. The main object of such a statement would be to throw the Princes into the arms of the British Indian negotiators and to facilitate a general settlement independent of any British guarantees. The Mission may commit H.M.G. in respect of any such statement which is in terms agreed with the Viceroy.

(6) Unless and until the moment arrives for such a formal statement, the Mission should stand by the terms of the Viceroy's statement to the Chamber as approved by India and Burma Committee and quoted in paragraph 2 above.

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Cabinet Delegation to India. Paper C.D.I. (6)

L/P&J/10/21: ff 55–7

Note by Lord Pethick-Lawrence

INDIA OFFICE, *15 February 1946*

I circulate a note by my officials on the question of attachment of Small States to British Indian Provinces.

P.-L.

ATTACHMENT OF SMALL STATES TO BRITISH INDIAN PROVINCES

It has been suggested in India and Burma Committee discussions that the right way to dispose of non-viable States is to attach them to Provinces. Mr. Nehru

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has also stated (speech at States Peoples Conference on December 31st) that, while some 15 to 20 big States should form autonomous units in an Indian Federation, the rest of the States would have to be absorbed into neighbouring provinces and not into Larger States.

2. The proposition is attractive, but there are the following difficulties in the way of adopting it as a *panacea*:—

(a) *Geographical.* The vast majority of the units comprised in the Kathiawar and Gujarat attachment scheme (viz. a very great part of the smallest States) are separated from British India by the territories of large States. Maps A. and E. attached to the Shattock Report[1] (which formed the basis of the attachment scheme) demonstrate this.

(b) *Constitutional.* The constitutional difficulties are obvious: Provinces, especially if congress-united, would probably be reluctant to cooperate on any basis which would involve the continued constitutional existence of the Ruler concerned, while both the Ruler and his people might legitimately resist any other basis. His Majesty's Government are debarred by their present policy (of not initiating changes in the Crown's relationship with States) from exercising forceful pressure on Rulers to eliminate themselves.

(c) *Financial.* A small State is likely to be a liability rather than an asset to the finances of a Province and in the past Provinces have been reluctant to take it on.

3. But in cases where Small States are geographically adjacent to British India, pressure of circumstances may well force them gradually into attachment, particularly if a Union or Unions result from the forthcoming negotiations and if His Majesty's Government, in the course of them, find it possible to make some formal statement warning Rulers that they cannot indefinitely rely on British guarantees.

4. The "Political Map of India" shows that a number of Small States in the Punjab, Central India, and Eastern Agencies, could geographically be easily associated (in many cases reassociated) with Provinces. This would not mean absorption but it would make the Governor through his officers responsible for doing for such States what is now done by the Political Department. The details would of course have to be worked out in India.

5. The following general Brief is suggested for the Ministerial Mission:—

(1) Since His Majesty's Government do not at present propose to *initiate* changes in the States' relationship with the Crown, no active policy of absorbing or attaching small States can be adopted.

[1] J. S. H. Shattock, 'A Report on the Future of the Smaller States and Estates of Gujarat and Kathiawar'. Dated 1 November 1940 and received in the India Office 30 March 1942.

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(2) The Mission, however, need make no secret of His Majesty's Government's view that only the largest States can in fact look forward to indefinite continuance in their present administrative entities, and they can take as their text the Viceroy's speech to the Chamber of Princes on 17th January, in which he said:—[2]

"Every State should possess political stability, adequate financial resources, and effective association of the people with the administration. If a State cannot fulfil these conditions, I strongly urge that it should arrange to do so either by joining a larger unit or by combining with other Small States to form a political entity of a sufficient size".

(3) The method of "rationalising" their States is a matter for Rulers themselves. Where geographical and other considerations permit, the Mission should, in agreement with the Viceroy, use its influence in favour of administrative association with Provinces. But it should recognize that in many cases it may be impossible.

[2] See No. 434, note 2.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/23

PRIVATE AND SECRET INDIA OFFICE, *15 February 1946*
Received: 23 February

Thank you for your letter of the 5th February.[1] The true story of the interview between the M.P.s' delegation and Gandhi amuses me very much. Many thanks for your telegram[2] giving me your impressions of their views. This was most useful to me in preparation for my interview with them.

2. The Prime Minister and I and a number of other Ministers received the delegation on Wednesday morning[3] just after their arrival. They all made interesting statements and I think there is no doubt that they have come back with a sober view of the realities of the situation. Indeed, the impression I got was that the mission has done what we hoped of it at this end, namely it has provided us with a representative group of Members who have considerable personal knowledge of the leading people in India and their various viewpoints and who have made some assessment of the political forces now at work in India. Some of the delegates who went out with the view that the Muslims did not count for much have come back with a very different point of view and even Sorensen I think realises that serious account will have to be taken of the Muslim League. The delegates were all quite certain that a debate in the House

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would be most unfortunate at this juncture and I do not think that we shall have any difficulty in avoiding that.

3. In paragraph 6 of your letter of 25th December[4] you noted the progress made in the release of political detenus. I am very glad to see from the figures for 1st February—a total of 492—that the progress is being well maintained, a reduction of just over 100 being shown for the preceding month. I should be content with this steady progress but for the fact that in a measurable time we may expect to see ministerial government resumed in all the Provinces, and whatever may happen in Bengal and the Punjab it is unlikely that Congress Ministries in Bombay, Bihar and United Provinces will lose much time in releasing the remaining detenus if not also the 1942 convicted prisoners. I should be grateful if you would weigh the advantages of anticipating such action, whether by a general amnesty (e.g., as I have heard it suggested, in connection with your Victory Parade) or by spreading out but accelerating releases so as to leave in only a negligible number by the end of March. The latter course, if the less dramatic, would be the less open to the criticism that Government was being panicked by the imminent accession of Congress to power. Another alternative would be an amnesty to coincide with the arrival of the Cabinet Mission in India.

4. We are looking forward here to welcoming the Indian food delegation next week, and I am glad to have been able to arrange that they will be treated as Government guests during their stay in this country. Apart from anything else, this makes it much easier to find them reasonably comfortable accommodation in London when U.N.O. is still occupying most of the reduced amount of hotel accommodation which has survived the war. Even now I fear that it may not be as good as would normally be provided but I hope that the delegates will find it adequate.

We will give the delegation all the help we can in pressing India's case. I am sorry Srivastava cannot come to London, but Mudaliar will do it well, though he will no doubt need Hutchings' support. India's need is unquestionable, but the food situation the world over is now so serious that it would be foolish to raise false expectations of greatly increased imports. The best hope of improving the situation generally is to persuade the wheat exporting countries, especially the United States, and in India's case Australia, to economise in consumption and give overriding priority to exports of wheat and flour. I see that the United States have already decided to raise their extraction rate of flour to 80. This is good news. In this connection I enclose for your confidential information a copy of the Prime Minister's recent telegram[5] to the President in which, as you will see, he laid stress on India's present plight.

[1] No. 399. [2] No. 400. [3] See No. 426. [4] No. 314.
[5] Not printed. The telegram is printed as an Enclosure to this letter in L/PO/10/23.

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As regards rice, we are now, I hope, on the point of securing the virtual abandonment of the "free" rice policy in Siam, for which I and the Minister of Food have been pressing for a long time past. This, together with the establishment of the Combined Rice Commission, should ensure Siamese and American co-operation, both of which are indispensable if we are to secure from Siam the substantially increased flow of rice which is vitally necessary.

5. Hutchings has made a most favourable impression on everybody. A lunch for Editors to meet Hutchings was arranged by Joyce recently and I gather that the Editors went away satisfied at any rate that the food situation in India was being dealt with by someone who knew his job.

6. I agree that Assam does not look much like a reasonable component of Pakistan. If the North-West Frontier should return 50 per cent. Congress and Jinnah fails to get solid backing in the Punjab, the whole idea begins to look very rickety. Whether this will ease our problems or not is perhaps doubtful. One has to bear in mind the weightage given to the Hindus in Assam, Sind and the Punjab.

7. I quite realise that what you can send me about Hyderabad can be only informed guesswork, but after all in these matters that is all one very often has to go upon. I should like to have the guesses of the people who are best able to make them. I shall of course see Monckton when he gets back and he will very likely have definite impressions on this subject.

8. In paragraph 6 of your letter of the 13th November[6] you referred to the question of an exchange of High Commissioners between Canada and India. Since then there has been further correspondence on the subject between the Dominions Office and the U.K. High Commissioner but I am afraid there is no progress to report. The Canadian Government are in principle quite ready to co-operate but are handicapped by the dearth of suitable man-power. The High Commissioner confirms that this is a very genuine reason and says that the Canadian Government are experiencing great difficulty in finding suitable persons for the large number of posts which they now have abroad. He draws attention to a statement[7] made in the Canadian Parliament by Mackenzie King on the 17th December, of which I enclose a copy. In the circumstances we have no option but to wait.

9. I met Dr. Marie Stopes recently. My wife and I know her quite well. She asked me to assist her to get facilities to broadcast to India about birth control. Her contention is that this is the only solution for India's economic and social troubles and I dare say she may very well be right. I of course gave no commitment at all and since I spoke to her I have seen correspondence[8] which took place in Amery's time about proposals that Dr. Stopes put forward for consideration then. I see that Jenkins, in his letter to Turnbull of the 6th March,

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1944, No. F.-607 (4)-G./43, said that you were advised that a direct approach by the Government of India to the subject of birth control was out of the question and that even an enquiry would be premature. I should be grateful if you would let me know if you are still of this opinion and also what progress is being made with the investigation of the population problem and a statement of conclusions on the 1941 census material, the examination of which was curtailed owing to the war.

[6] No. 208.

[7] Not printed. The text of the statement is printed as an Enclosure to this letter in L/PO/10/23.

[8] Papers on this subject are on L/E/8/5024.

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Field Marshal Viscount Wavell to all Governors

L/S&G/7/904: f 162

SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 125/49 *16 February 1946*

My dear——,

The present situation is particularly difficult for many in the services because of the uncertainty of the political future. I expect District Officers feel that they ought to know more about the policy of government and ought to be taken more into confidence. I wish this was possible, but there is really nothing that can usefully be said. It has been stated publicly what we intend to do after the results of the elections are known. How events will develop during and after the negotiations is largely a matter of guesswork. I do however realise the strain on the services and I hope you will do all you can to see District and Police Officers, if necessary calling them from considerable distances to meet you in small conferences when you are on tour; you might take them into confidence about provincial matters, explain that you and I would like to give them a picture of the political future but for obvious reasons cannot do so, and encourage them generally to feel that their difficulties are appreciated and that they will receive encouragement and support. I am sure that the more you can manage to get around and see your officers in the next few months, the better. I am writing to other Governors to the same effect.

I should be grateful if you would bring this letter to the notice of your successor.[1]

Bourne[2]

Yours sincerely,

WAVELL

[1] This sentence was sent to the Governors of Bengal, Orissa, North-West Frontier Province and Madras.

[2] This sentence was sent to the Governor of Assam only.

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Cabinet Delegation to India. Paper C.D.I. (4)

L/P&J/10/21: ff 38–48

Methods of Electing a Constitution-Making Body

Note by Lord Pethick-Lawrence

INDIA OFFICE, *16 February 1946*

1. I circulate for consideration a note on possible methods of electing the British India side of the Constitution-making Body.

Briefly there are the following possible alternatives:—

(1) The method proposed in the 1942 Declaration, i.e. election by the members of Provincial Lower Chambers acting as a single Federal College voting by proportional representation on the single transferable vote. (Paras. 2–6 of the Note).

(2) The same electoral college but voting by communal compartments and by direct vote. (Para. 7 of the Note).

(3) Election by Provincial Lower Chambers each voting as a separate electoral College and electing approximately 1/10th of its number by proportional representation. (Paras. 10–12 of the Note).

(4) The system proposed in Annexure B to the Viceroy's memorandum I.B. (46) 4 (Page 7)[1] namely that each Provincial Legislative Assembly should elect about one-tenth of its number by proportional representation, but voting in communal compartments for the due proportion of members allotted to each community.

(5) To convene a replica of the Federal Legislature under the 1935 Act. (Para. 13 of the Note and Annexure).

On both alternatives (3) and (4) it is necessary to adopt special measures to secure representation of the small communities such as the Anglo-Indians and also the representatives of the three Chief Commissioners' Provinces.

2. I think personally that there are considerable objections to the method proposed in 1942. Moreover, since the Constitution-making Body may have to be divided in some way into two bodies, it would seem essential to ensure that each Province has proportionate representation in it. Further, in principle, the right way to create a federal constitution is to bring together the representatives of the units. Consequently, I should favour one of the other three alternatives. I consider all three of these to be practicable and we may have to choose between them in the light of our conversations in India. An objection to adopting the Federal Legislature in the 1935 Act as a basis, although it has

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statutory authority, is that it gives very much heavier representation in the British India Section to the Moslems and other minorities (cf. table in para. 7 of the Note with that in para. 2 of the Annexure). This may have been done in the 1935 Act partly because the States' representatives would add heavily to the Hindu quota, and partly to make possible a balance between the Hindus on the one hand and the States with a Moslem outlook and the Moslems from British India on the other in the Federal Legislature. It seems possible that the Congress would dispute this as a suitable basis for the election of a C.M.B. but a departure from the weightage given in the Act to Muslims and States might equally antagonise these elements. Another objection, though perhaps not a very substantial one, is that the resulting Body, which with the full number of 125 States' representatives would number 375, would be somewhat unwieldy: but not more so, perhaps, than other Constituent Assemblies elsewhere; and, for practical purposes, a body of 200 is not much less unwieldy. In any case it is to be presumed that the work would mainly be done in Committees.

3. The difference between the other two alternatives is not great but I should be inclined to regard that in sub-para (2) of paragraph 1 above as having the better prospect of general acceptance.

4. As regards representation of the Indian States on the basis of alternative (2) or (3), the Viceroy's suggestion is that with a British India representation of about 160 to 296 millions, the States should have about 50 representatives on a population basis. We could consult the States' representatives as to which of the two alternative methods of distribution proposed on Page 8 of I.B. (46) 4 they prefer.[2] A yet simpler alternative would be to allot say 20 seats to the 5 or more largest States and the remaining 30 to the Chamber of Princes for distribution as they think fit.

5. There is a further point of importance which I think my colleagues should consider. The Provincial election results so far received show that all the Scheduled Caste seats have been won by supporters of the Congress. This is the result of the Poona Pact system referred to in paragraph 2 (2) of the Annexure to this paper. This system was accepted by the Scheduled Castes only under the extreme duress of Mr. Gandhi's fast and it has been bitterly resented by them ever since. If the trend shown by the elections so far completed continues it is quite possible that Dr. Ambedkar himself, who is generally recognised as the outstanding Depressed Class leader, would have no chance of being elected to the Constitution-making Body. While it is true that as we are committed to having the new constitution for India framed by Indians it may be difficult for us to ensure any effective safeguards for the Depressed Classes in the

[1] The reference is to item 3 of Enclosure 4 to No. 315. This Enclosure was circulated as Annexure B to No. 337.

[2] See item 3 of Enclosure 4 to No. 315.

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constitution, it would be very desirable to ensure that true representatives of the Depressed Classes sit in the Constitution-making Body. It does not look as if this will be achieved by any of the five alternatives outlined above. I cannot however see any means of ensuring this short of nomination by the Viceroy of the representatives of the Depressed Classes and other lesser minorities.

P.-L.

THE CONSTITUTION-MAKING BODY

BRITISH INDIAN SIDE

1. According to the Cripps proposals, the entire membership of the Lower Houses of the Provincial Legislatures, acting as a single Electoral College, will elect the Constitution-making Body, the size of which will be approximately one tenth of the Electoral College. As the total number of seats in the Provincial Lower Houses is 1,585, the Constitution-making Body would accordingly be composed of 158 members—exclusive of representatives of the States.

2. From the minutes (I.B. (45) 5th Meeting)[3] of the India and Burma Committee, it appears that the difficulty of applying the proportional system in its strictly technical sense is realised. The idea of the Cripps proposals appears to be that the Constitution-making Body should reflect the communal *and other* proportions of the electoral body, and while in theory proportional representation might reproduce the communal and other elements in the massed Provincial Legislatures, in practice the result might be substantially different. Only on the most highly organised system of voting involving complete unanimity, could every community and interest reproduce itself in the appropriate proportions.

3. On a purely theoretical basis the proportions might work out in the following manner. Disregarding fractions, the quota to ensure election would be $\frac{1585}{158+1}+1 = 10$. Applying this to communities and interests in the Provincial Assemblies, the result would be:—

Community and Interest	Number of Representatives	Sure Seats
General	808	80
(Scheduled Castes	151	15)
Backward Areas	24	2
Sikhs	34	3
Mahommedan	482	48
Anglo-Indian	11	1
European	26	2

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Community and Interest	Number of Representatives	Sure Seats
Indian Christian	20	2
Commerce, Industry, Planting	56	5
Landowners	37	3
Universities	8	..
Labour	38	3
Women	41	4

This gives a total of 153 seats. The balance, which is accounted for by fractions, would be made up of first preferences with a number of second preferences.

4. It will thus be seen that, in theory, except for the universities, each community or interest could have at least one seat. In practice it is most improbable that the Electoral College would produce these results, for the reason that the communities and interests intersect at various points. For example "General Women"—28 in number—probably would prefer to vote for Congress candidates, irrespective of sex; and it is more than doubtful if the landlords and Indian Commerce representatives would agree to give their support to candidates representing their own interest alone. The same is true of Labour and to some extent of the Backward Areas, which have already returned some Congress candidates to the Assam and Orissa Legislatures.

5. The most difficult case is that of the Scheduled Castes. In theory, they would be able to elect at least 15 representatives but in the Provincial elections now in progress practically every Scheduled Caste reserved seat has gone over to Congress. This is the result of the Poona Pact system, according to which Scheduled Caste candidates elected by the Scheduled Castes only in the primary elections are finally elected in joint constituencies consisting of Caste and Scheduled Caste Hindus. If all the Scheduled Caste seats were to go to Congress then it is not improbable that under Congress discipline the Scheduled Caste representatives in the Electoral College would elect Congress candidates only, to the exclusion of non-Congress leaders such as Dr. Ambedkar. Experience in Bengal has shown that this result is not hypothetical. In the first indirect elections to the Bengal Legislative Council (the Upper House), the Scheduled Castes, with three or four certain seats on the proportional system, did not return one candidate by first preferences.

6. Another difficulty in the application of the pure proportional system is that the Electoral College would have to be summoned sometime before the

[3] No. 105.

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election takes place. This would be necessary for the intensive organisation required for the polling. Such arrangements could not be made by post. This would lead to some awkward problems of accommodation in Delhi; but even if this difficulty were overcome, as it would have to be if the proportional system is regarded as sacrosanct, other problems would remain, such as the Muslim aversion to joint elections and the very complicated nature of the election itself, in which each elector would have a first and 157 other preferences. Confusion and dissatisfaction would be almost bound to ensue.

7. In view of the interpretation of proportional representation which the Cabinet Committee seem inclined to accept (i.e. that the Constitution-making Body should reproduce as faithfully as possible the character of the Electoral College) and also the Muslim objections to proportional representation, another and easier method might be tried. Each group and interest might elect one tenth of its own number by direct voting. In this case fractions may be taken into account to the nearest whole number, and the approximate composition of the elected body would be:—

General	81
(Scheduled Castes	15)
Backward Areas	2
Sikhs	3
Mahommedans	48
Anglo-Indians	1
Europeans	3
Indian Christians	2
Commerce, Industry and Planting	6
Landholders	4
Universities	1
Labour	4
Women	4

This would produce a Constitutional Convention of 159 members.

8. This system would be easier to work than the proportional method. It would, however, also require careful organisation. Prior consultation among groups would be almost as essential as under the pure proportional system, and special rules would have to be made to eliminate double candidature, unless the Provincial electors were limited, in the case of major communities, to persons qualified to be elected in their own Provinces. It would meet the Muslim objection to a joint electorate, but leave unsolved the delicate issue between Caste Hindus and the Scheduled Castes.

9. The original Cripps proposals say nothing of distribution of membership

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between the Provinces, and, on the assumption that the College will be allowed to elect persons not members of itself, without Provincial discrimination in respect to qualifications (which seems desirable to provide for the due candidature of persons who have been elected to the Central Legislature), each of the above plans suffers from the serious defect that no balance between the Provinces could be guaranteed. Nor could any such balance be secured by any plan originating from the Centre under which election is either proportional or direct, provided outside candidature is permitted.

10. If there is to be a balance between the Provinces, and also between communities and interests, then the system of election should originate in the Provinces. If this assumption is accepted, then the starting point would be the Provincial Assemblies which could each, acting separately, elect 1/10th of their number by proportional representation on the single transferable vote. An initial difficulty would arise in calculating tenths, for seven of the eleven Provinces would yield fractional numbers. Assuming that any fraction from 5 upwards counted as the next highest whole number, the Provincial quotas would be:—

Madras	22
Bombay	18
Bengal	25
U.P.	23
Punjab	18
Bihar	15
C.P.	11
Assam	11
N.W.F.P.	5
Orissa	6
Sind	6
Total	160

11. This system would not guarantee an even Provincial distribution if candidature from outside the provinces were permitted, hence it would be necessary to limit candidature to persons eligible to be elected to the Provincial legislatures. This would enable the Provinces to elect Provincial members of the Central Legislature or persons not members of any legislature at all, such as Gandhi from Bombay and Nehru from the United Provinces. But if election were on the proportional system, this plan would not secure the representation of minorities the membership of which in each legislature was less than the quota. For example in Bombay, Backward Areas, Anglo-Indians, Europeans, Indian Christians, Commerce and Industry, Landholders, Universities, Labour and Women would not be sure of representation; in Bengal, Anglo-Indians,

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Indian Christians, Landholders, Universities, Labour and Women would probably not be represented; in the Punjab, the Scheduled Castes and all other communities and interests except Caste Hindus, Muslims and Sikhs would not be certain of a seat; in Assam the Caste Hindu and Muslims communities, and the Backward Areas would be sure of seats but no one else.

12. Thus if the proportional system were to be used in the Provinces on the above method, separate arrangements would have to be made for small minorities and interests—if indeed it were deemed desirable that all interests e.g. Universities and landlords—should be represented. For this purpose, the most suitable system is that which seems to be contemplated by the Viceroy, namely, election by all the minor communities and interests through electoral colleges composed of the representatives of all those communities and interests in all the Provinces. The number might be determined on the basis of the quotas in paragraph 3, but it would be a matter for consideration whether the Provincial representatives of these communities and interests should be allowed to vote in the Provincial elections. If this system were adopted the total number of seats in the Constitution-making Body would have to be increased by about 20. An obvious variation of this plan would be direct election by the major communities in the Provincial Assemblies, on the basis of quotas determined by the proportional system.

13. It seems clear that whatever system is adopted the strict proportional system could not be applied, hence some modifications of the original Cripps scheme seem to be inevitable. If this be the case then the simplest solution would appear to be the method proposed for the Federal Assembly in the First Schedule to the 1935 Act. The allocation of seats in that body to both communities and interests was reached after the most exhaustive examination of all circumstances bearing on the case and it is doubtful if a better distribution can be devised. If this idea were accepted the problems in the Indian States and the Chief Commissioner Areas would automatically be solved.

Annexure to No. 438

Summary of the Provisions of the Government of India Act, 1935, as to the Composition of the British India portion of the Federal Legislative Assembly

1. *Number and Distribution of Seats*

The Act provides for a total of 250 British India seats distributed as follows:—

Madras Bengal United Provinces	37

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Bombay, Punjab, Bihar		30
Central Provinces		15
Assam		10
N.W.F.P., Orissa, Sind		5
Chief Commissioners Provinces	Delhi	2
	Ajmer	1
	Coorg	1
Non-Provincial i.e. Industry and Labour		1
		250

2. *Communal Distribution of Seats*

General Seats		
(a) Open	86	105
(b) Reserved for Scheduled Castes	19	
Moslem Seats	82	
Sikh	6	
Anglo-Indian	4	
European	8	
Indian Christian	8	
Women	9	
Labour	10	
Commerce and Industry	11	
Landholders	7	
	250	

Method of Election

(1) *The General, Muslim and Sikh seats (except the 19 general seats reserved for the Scheduled Castes)*

These are filled by the members of the Provincial Legislative Assembly in each Province voting separately for the seats allotted to that Province on proportional representation by means of the single transferable vote. The members chosen are thus derived by indirect election direct from the separate communal electorates which are the basis of the Provincial Legislatures.

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(2) *Scheduled Caste Seats*

These are filled by a double process of election on a system which was imposed by Mr. Gandhi's fast against the Communal Award[4] of the British Government which provided for separate electorates for the Scheduled Castes. In each Province primary elections are held in which Scheduled Caste voters only elect 4 Scheduled Caste candidates. These candidates then stand in general constituencies and the one chosen by vote of the joint Scheduled Caste and Hindu electorate is elected. In the Federal Assembly the Act provides that there shall be a primary electorate consisting of the successful candidates at the primary elections held in the Provinces at the last general election. This electorate elects four candidates for each seat in the Federal Assembly reserved for the Scheduled Castes and these four candidates subsequently compete before the general electorate.

This is the provision in the Act which is bitterly resented by Dr. Ambedkar and the Scheduled Caste leaders because it is usually possible for the Congress to get one of their people elected among the four candidates who is then easily elected in the general constituency.

(3) *Women's Seats*

These are filled by the vote of electoral colleges consisting of the women members of Provincial Legislative Assemblies provided that the rules regulating the conduct of these elections are such as to secure that of the nine women's seats at least two are held by Mohammedans and at least one by an Indian Christian.

(4) *Anglo-Indian, European and Indian Christian Seats*

These also are filled by vote of all-India electoral colleges consisting of the members of these communities who hold seats in the Legislative Assembly of any Governor's Province.

(5) *Labour, Commerce and Landholders' Seats* are to be filled in accordance with prescribed conditions. No rules have yet been made governing these seats.

[4] See No. 71, note 1.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

MSS. EUR. D. 540/1

PERSONAL AND CONFIDENTIAL THE VICEROY'S HOUSE, NEW DELHI, *17 February 1946*

My dear Pethick-Lawrence,

I feel that I should let you know that I am becoming a little concerned as to what is in the minds of H.M.'s Ministers on the method of conducting the forthcoming negotiations. While it is claimed and announced that the Viceroy will be an equal party in the discussions, I have been given no information whatever, since I sent home proposals early in January,[1] of how the mind of the Cabinet is working; and the latest telegrams[2] about accommodation seem to give the impression that the Ministers wish to conduct the negotiations at some distance from the Viceroy's House, in order to ensure 'informal contacts'. What does this really mean, is the Mission expecting people to come to them like Nicodemus?[3] I can assure you that wherever they are, everyone who comes to see them will be noted by the Press and parties. If the idea is to give the impression that the negotiations are not being influenced by the Viceroy or his advisers, why announce that he is one of the negotiators?

We can probably find a suitable house or houses outside the Viceregal Estate, but it will be some distance away (one of the Princes' Houses might be most suitable), one or two miles; so that if the intention really is to negotiate in close consultation with the Viceroy, it will obviously be most inconvenient, especially in hot weather.

[1] The reference is to Nos. 315 and 316 which were actually sent on 27 December 1945.

[2] In a letter of 29 January 1946 Mr Abell asked Mr Turnbull to begin thinking on the subject of accommodation for the Cabinet Mission. In particular he wondered whether, following the precedent of the Cripps Mission, Ministers would wish to live outside the Viceroy's House. Mr Turnbull replied in tel. 30 of 7 February asking about the feasibility of a number of methods of accommodation. In a telegram of 12 February Mr Abell stated that it would not be possible to accommodate all three Ministers and their staff in a single house in the Viceregal estate or in New Delhi. Equally there was not adequate accommodation for the whole party in a separate wing of the Viceroy's House. He suggested it should be divided between an outside house and the Viceroy's House. In tel. 36 of 15 February, Mr Turnbull said that Ministers had now discussed the subject and that: 'their inclination was to have accommodation for themselves and staff in two houses outside Viceregal estate and to hold formal meetings with Indian leaders in Government of India Secretariat.' In tel. 412-S of 21 February, Mr Abell conveyed Lord Wavell's request that Lord Pethick-Lawrence should consider his letter of 17 February (above) before the accommodation question was decided. In tel. 3873 of 22 February Mr Turnbull stated that Ministers had decided to adopt the suggestion to divide the party. Ministers and some staff would reside in the Military Secretary to the Viceroy's house. The residue of the staff would live in the S.E. Wing of the Viceroy's House which would also be used as offices for the delegation. L/P&J/10/38: ff 69, 64-8, 61, 57, 50, 47-9.

[3] John III, 2.

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I may be quite unjustified in my suspicions that there is an intention, not on your part, I am sure, to treat the Viceroy as a lay figure, and to keep him more or less outside the discussions, as was done at the time of the Cripps offer. If so, I should like to know.

Incidentally, I may say that knowledge of the Mission has been fairly general knowledge, to the Press at least and other well-informed people in Delhi, by advices from London, for some time past, though I am not allowed to inform my Governors till tomorrow.[4]

I have thought it right to let you know this privately. If it is the wish of H.M.G. that I should be responsible for implementing in India any settlement to be negotiated, I must really and genuinely be consulted.

Yours sincerely,

WAVELL

[4] See No. 431.

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Cabinet

India and Burma Committee. Paper I.B. (46) 18

R/30/1/6: ff 21–6

VICEROY'S PROPOSALS FOR DEFINITION OF THE PREDOMINANTLY MOSLEM AREAS

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *18 February 1946*

I circulate for the information of my colleagues a telegram[1] from the Viceroy, in which he gives his proposals for the demarcation of the "genuinely Moslem areas" if we are compelled to make one ourselves. These are the proposals referred to in paragraph 9 of Part III of the Viceroy's memorandum circulated in I.B. (46) 4.[2]

Sketch maps[3] illustrating the effect of the Viceroy's proposals are attached. The second shows the areas in the Punjab in which the Moslems are not in a majority. The Viceroy excludes all these areas from Pakistan and in addition the Gurdaspur district which is 51% Moslem. These proposals leave 1½ million Sikhs in Pakistan and put 2¼ million into Hindustan. Amritsar their sacred city goes into Hindustan.

I am considering these proposals in conjunction with the President of the Board of Trade and the First Lord of the Admiralty. But I do not think

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that any better division than the one the Viceroy proposes is likely to be found.

P.-L.

[1] No. 406.
[2] This is a reference to Enclosure to No. 316 which was circulated as Part III of No. 337.
[3] The three maps circulated with this India and Burma Committee Paper give the same information as Maps 1–3 to No. 428.

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Cabinet C.M. (46) 16th Conclusions, Minute 7

R/30/1/6: ff 19–20

Those present at this Meeting held at 10 Downing Street, S.W. 1, on 18 February 1946 at 11 am were: Mr Attlee (in the Chair), Mr Herbert Morrison, Mr Ernest Bevin, Mr Arthur Greenwood, Mr Hugh Dalton, Sir Stafford Cripps, Mr A. V. Alexander, Lord Jowitt, Mr J. Chuter Ede, Viscount Addison, Lord Pethick-Lawrence, Mr G. H. Hall, Mr J. J. Lawson, Viscount Stansgate, Mr G. A. Isaacs, Mr E. Shinwell, Miss Ellen Wilkinson, Mr Aneurin Bevan, Mr T. Williams

Also present during discussion of item 7 was: Sir Orme Sargent

INDIA

Constitutional Position

(Previous Reference: C.M. (46) 14th Conclusions, Minute 3)[1]

THE PRIME MINISTER circulated to the Cabinet the draft of a statement[2] which he proposed to make on the following day announcing the decision that the Secretary of State for India, the President of the Board of Trade and the First Lord of the Admiralty should go out to India to conduct, in association with the Viceroy, the forthcoming negotiations on the constitutional problem. A similar statement would be made in the House of Lords by the Secretary of State for India.

The Prime Minister said that he proposed to add to this draft a final paragraph explaining the arrangements for supervising the work of these Ministers' Departments while they were away. He himself proposed to look after the Admiralty. The Lord President would take charge of the Board of Trade. The India and Burma Offices would be in charge of the Parliamentary Under-Secretary of State, who would refer major questions to the Prime Minister, as necessary.

[1] No. 419.
[2] The statement circulated at this Meeting has not been traced in India Office Records or positively identified in the records of the Cabinet Office. Presumably it was similar to the version telegraphed to Lord Wavell in No. 415.

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The Cabinet—

Took note with approval of the terms of the statements to be made in Parliament on the following day.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/23

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI, *18 February 1946*

Thank you for your letter of the 7th February.[1]

2. Copies were sent by the last bag of my broadcast about the food situation. The amount of support forthcoming from the major parties is satisfactory and I send a Press statement[2] which Gandhi has just issued. This, as you will see, is distinctly helpful, and with Jinnah also co-operating, our prospects of avoiding immediate trouble about the ration cut improve. We cannot, however, hope to avoid some disturbances and a general deterioration of health with a ration of only 12 ounces of cereals. Already in Allahabad there has been a demonstration by 80,000 persons. Fortunately the police were not compelled to do any firing and a dangerous situation seems to have been handled with a good deal of commonsense and restraint. The crowd were not out for trouble, but some disorderly elements (such as there are in every Indian city, ready to take opportunity of riot and loot) joined it and damaged certain rationing centres and destroyed records.

The maximum value of the 12 oz. ration is only 1,200 calories, which any public health expert will admit is a hopelessly inadequate diet. A single average London meal in 1943 was worth 2,827 calories, I am told. My reaction therefore to the suggestion in a recent telegram[3] of yours, to which I will reply shortly, that we should cut down our import requirements immediately is very definitely unfavourable, and I must say that I am surprised that it should have been made. We have only cut our ration because we have not enough food in sight to make it larger. I cannot believe that anyone will contemplate keeping such a large population on the edge of starvation for the whole of this critical year.

Azad could not come to Delhi owing to fever, and I discussed the food situation with Asaf Ali instead. He was self-righteous but fairly reasonable and went off afterwards to report to Azad who, I gather, will co-operate though he will probably try to extract some *quid pro quo*, if he can. I got the impression from Asaf Ali that the Congress were regretting not having come into the

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food delegation, and Nehru has issued a rather lame explanation of their decision on that point.

Sen of the Food Department went to the all-India Newspaper Editors Conference at Allahabad on Sunday. He underwent a grilling cross-examination, but in the end the Chairman promised co-operation.

Wylie and Glancy who have been here promised to do all they can to help in the United Provinces and the Punjab. I hope we may be able to get a levy system started in both Provinces on the new wheat crop. The Punjab have been urged to alter their procurement arrangements but they have always been very sticky about this. Bihar want to raise their control price to help their procurement (they rather unwisely lowered it some time ago), and Food Department oppose this strongly. I have wired to Rutherford to come and see me, if he wants to make further representations.

Srivastava is prevented by illness from doing any work at present and will not be able to go to Washington. I have asked Mudaliar to lead the Delegation.

3. I send with this letter a report of a speech[4] by Nehru at Benares to the effect that the Congress must now make friends of the Army and that its approaches will be open and not clandestine. It is of course obvious that we cannot allow politics to be brought into the Army, and I made this clear to Asaf Ali who said he entirely agreed with me. I have no doubt he will report my remarks to the Congress High Command.

4. The elections continue. Neither in Assam nor in Sind has it been possible to secure a coalition between the Congress and the Muslim League, but this was to be expected. The Sind Government looks extremely insecure and may well be defeated as soon as the session begins on the 12th March. The prospects of getting the budget through without resort to Section 93 do not look bright. There have been two examples in the last week of the corrupt nature of Sind politics. In connection with the appointment of a High Court Judge the Muslim Ministers put in a representation that the post must go to a Sindhi Muslim. The object of this was to secure the appointment of the Premier's nephew who is said by the Governor to be neither the most senior nor the most efficient of the District Judges of Sind. Secondly the Ministry decided unanimously that the mercy petition of one Allan Khan should be accepted and the sentence of death commuted. The reason was a purely political one. Allan Khan's brother had agreed to contest a fairly hopeless constituency (against G. M. Syed) on behalf of the Muslim League. Allan Khan's offence was described as follows by Dow in a letter to me: "He collected a band of desperadoes, and with them raided the police station, overawed the police and stole their muskets and ammunition; went on and set fire to the post office; and having thus created terror enough to secure himself from interruption came

[1] No. 410. [2] Not printed. [3] 3379 of 15 February. L/E/8/3329. [4] Not printed.

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across his enemy, a respectable Hindu merchant and zamindar (who had been given the title of Rao Sahib) at the head of a marriage procession. The band fired indiscriminately at this procession, wounded the Rao Sahib severely, and killed four other people in the procession. The case was brought to trial, the accused was sentenced to death and six other persons to various terms of imprisonment." Dow insisted that the proposal to commute the sentence, which is a matter for the Provincial Government, should be taken in a Council meeting. The case came up after Mudie had taken over, and since the Governor's special responsibilities were not involved Mudie had to acquiesce, but it is a shocking decision.

I shall be surprised if Congress get their money's worth for the large sum they are generally supposed to have paid to Syed and his associates. I think they are already regretting their investment. Asaf Ali accused the Governor to me of partiality in not asking Syed to form a Ministry.

In the North-West Frontier Province, Cunningham reports that Khan Sahib will continue to lead the Congress who have a stable majority and will form a new Ministry.

5. The Calcutta disturbances died down on Friday, so that the public were not deprived of their race-meeting on Saturday, or the taxi-drivers and tonga wallahs of the large profits they draw from it. I wonder if this fact had any influence; an experienced observer told me beforehand that they would never riot in Calcutta on a racing day!

We are by no means finished with the evil legacy of the I.N.A. The Muslim League are agitating all over the country against Abdul Rashid's sentence and I suppose there will be similar agitation when other sentences for brutality are announced. Auchinleck felt compelled to put out a press communiqués of which I send a copy, to explain the justification for the sentence, though that should have been obvious enough. The communiqué has had a bad reception in the Congress and Muslim League press, as might be expected, and even *The Statesman* put out a throughly mischievous leader, also sent in this bag.

6. I have written to the Governors of Congress Provinces putting to them two alternative courses of action in regard to prisoners convicted for activities in the 1942 disturbances: either (1) to expedite releases so that few prisoners or none remain in jail when the Ministries take office; or (2) to proceed as at present and when the Ministries make their demand for releases, to agree except in the very worst cases on which the Governors would require individual consideration and the taking of their orders. The understanding would be that the Ministries would make themselves responsible for the good behaviour of those released. I told the Governors that I was in favour of the second alternative, but asked for their views.

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7. In my letter of the 25th December[6] I said that a close examination would be made of all cases of persons detained after the expiry of long terms of imprisonment. You will be glad to know that in the whole of British India there is now only one person detained after serving out a sentence of 5 years or more; he is in the United Provinces and was a constable of the Bengal Police who is considered to be highly dangerous on account of his association with the Bengal terrorists. This does not cover cases of persons who have been given life sentences, which are normally served by fourteen years imprisonment. There are still a number of such persons in jail after 14 years, though their number is being constantly reduced. The Punjab, for instance, have just released all such prisoners.

8. The Ceylon Government, as no doubt you are aware, have refused to resume negotiations on the subject of Indo-Ceylon relations. The excuse given is the imminence of a new constitution for Ceylon. Khare has telegraphed to Mudaliar saying that he fears the Ceylon tactics are to delay matters so that there may be no negotiations before the Order in Council about the Ceylon Constitution is passed. He has asked him to take up the matter urgently with the Colonial Office. Khare has also asked me to mention the matter to you in case you feel you can say something to the Secretary of State for the Colonies.

9. In my letter of the 14th February[7] I said that Monckton had told me that the Nizam would now implement his long-standing promises about constitutional reforms. Political Department tell me that this is over-optimistic and that all the recent indications have been that His Exalted Highness will continue to stall. The result of His Exalted Highness' proposal that the Prince of Berar should be made Vice-President of the Council is typical of his outlook. The proposal was revived by His Exalted Highness in October 1944 on the grounds that the Prince ought to receive training in administrative matters, since one day he would be Ruler. The Resident thought that His Exalted Highness' underlying motive was to secure control over the Council through the Prince of Berar, and that the Heir Apparent would not be permitted to exercise any independence of judgment (I doubt if he has any, by the way). As however it was obviously desirable that the Prince should be given some administrative training, the Resident suggested that there should be a convention whereby the President discussed unofficially with the Prince from time to time all important Council cases. Alternatively the Prince might see Council cases on the way from the Council to the Nizam and then discuss them with the President, or might see cases after the Nizam had passed orders on them on their way back to the Council. His Exalted Highness then said that he did not wish to pursue the matter further during the war.

[5] Not printed. [6] No. 314, para. 6. [7] No. 432, para. 5.

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10. The leakages about the visit of yourself and the two other Ministers to India are unfortunate. As Abell has informed Turnbull there have twice been reports in the *Hindustan Times* derived from their London Office, and on Sunday there was a full length Reuter report from London. Incidentally Brailsford, in a conversation with Abell, made it clear that he knew about the Prime Minister's forthcoming announcement—a subject on which I was not permitted to divulge anything to the Governors until the day before the announcement.

11. I am grateful to you for promising to look into the civil passage situation, and am enquiring here about the constant raising of the military bids for accommodation. I hope you will continue your efforts to secure us more passages as a great deal of hardship is being caused. I am telegraphing to you about the matter of passages for the all-India Cricket team. I feel strongly that they should be given priority and proper accommodation and should not be offered troop-deck passages, which would I am sure be regarded as another insult to India. But the Home Member feels strongly the other way, and may bring it up in Council.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: f 145

MOST IMMEDIATE INDIA OFFICE, *19 February 1946, 10.20 am*

No. 3516. Following addition has been made to Prime Minister's statement today. *Begins.* I should add that during the absence of these ministers I shall myself assume responsibility for Admiralty business and the Lord President will be in charge of the Board of Trade. So far as the India and Burma Offices are concerned the Parliamentary Under Secretary of State will be in charge during the Sec[retar]y of State's absence. But he will be able to rely on my personal advice whenever it is required, and he will refer important issues to myself, particularly those affecting Burma, where the Governor will not, like the Viceroy, be in personal touch with the Secretary of State. *Ends.*[1]

[1] The statement on the Cabinet Delegation made by Mr Attlee in the House of Commons on 19 February 1946 began with the first two paras. of Annexure to No. 402 and then continued:

In view of the paramount importance not only to India and to the British Commonwealth but to the peace of the world of a successful outcome of the discussions with the leaders of Indian opinion, His Majesty's Government have decided to send out to India a special mission composed of Cabinet Ministers to seek in association with the Viceroy an agreement with these leaders on the principles and procedure relating to the constitutional issue.

Accordingly, with the approval of His Majesty The King, His Majesty's Government have decided that the Secretary of State for India, the President of the Board of Trade and the First Lord

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of the Admiralty shall proceed to India for this purpose towards the end of March. This course has the full concurrence of the Viceroy.

I feel sure that the House will give its support and goodwill to the Ministers and to the Viceroy in these discussions, in which the future of 400 million people and crucial issues both for India and the world will be at stake.

The statement concluded with the passage in the above telegram. See *Parl. Debs.*, 5th ser., H. of C., vol. 419, 19 February 1946, cols. 964–5.

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Cabinet

India and Burma Committee. Paper I.B. (46) 19

L/P&J/10/19: ff 13–20

VIEWS OF MR JINNAH ON THE CONSTITUTIONAL PROBLEM

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *19 February 1946*

I circulate for information the following papers:—

(1) Letter from Mr. Jinnah to myself dated 9th February (Annexure I).
(2) Extract from a Statement by Mr. Jinnah on 6th December (Annexure II).
(3) The Viceroy's speech to the Central Legislative Assembly (Annexure III).
(4) Mr. Jinnah's Statement commenting on the Viceroy's speech (Annexure IV).

P.-L.

Annexure I to No. 444

LETTER FROM MR. JINNAH TO LORD PETHICK-LAWRENCE DATED 9TH FEBRUARY, 1946

I thank you for your letter of 21st December, 1945,[1] which was delivered to me by the Viceroy's House, in connection with the visit of the members of Parliament to India. I have had free and frank discussion with them as desired by you and I do hope that they will correctly represent the position of Muslim India to you and others. I have left no doubt in their minds that the British Government should make an immediate declaration of their policy accepting Muslim India's demand of Pakistan which is the only solution of India's constitutional problem. After the principle has been accepted, I am hopeful that the details would not be difficult of adjustment.

[1] See No. 308, note 1.

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There is no reason or ground for talking about interim arrangement, now that the war is over. Besides, it goes against the fundamental principle which we have repeatedly declared, that, we cannot agree to any arrangement which postulates an all-India government whether interim or permanent. Our position was solemnly accepted by the British Government in Parliament, by its declaration, made in August, 1940 and we were repeatedly assured by the pronouncements made by the Secretary of State for India and other responsible leaders of Great Britain from time to time. The only exception that we were prepared to make was the exigency of the war and its prosecution successfully, as in that case, the entire attention would have been riveted to the war effort and all domestic controversies and differences would have been, by common consent, kept in abeyance. A caretaker Government already exists under the framework of the present Constitution, viz. the Governor General's Executive Council, and there is no need to tinker with it under the new phraseology of "political Executive Council". Equally, the idea of a single Constitution-making body is fundamentally opposed to the basic principles that the Muslim League has declared times out of number. It will be perfectly futile to force such a measure upon Muslim India, as it must result in disaster, not to say that it will be a breach of the solemn declaration of August, 1940 and the repeated assurances of His Majesty's Government to that effect given from time to time.

I am enclosing herewith a copy of my statement I made with regard to your announcement about the visit of the members of the Parliament to India and also a copy of the Viceroy's speech addressed to the Central Assembly dated the 28th January and my reaction to it, for your information.

Thanking you for your good wishes for the season which I reciprocate, hoping you are well and with very kind regards.[2]

Annexure II to No. 444

EXTRACT FROM A STATEMENT BY MR. JINNAH DATED 6TH DECEMBER, 1945

I wish His Majesty's Government, who by now ought to be in full possession of the facts regarding the quintessence of the Indian problem, would apply their mind to the real issue. Sir Stafford Cripps made it clear in his statement after the breakdown of the Simla Conference on July 15th 1945,[3] when he said there will be no agreement possible till the Pakistan issue is solved. When His Majesty's Government and the Secretary of State for India, Lord Pethick-Lawrence, boldly and frankly come out and expedite a permanent settlement on the basis of Pakistan, which is the major issue and the only solution of India's constitutional problem, the deadlock will resolve itself. I therefore earnestly commend to His Majesty's Government to declare their resolute

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resignation to the establishment of Pakistan in India. Muslim India will never accept any method of framing the Constitution of India by means of one Constitution-making body for all India, in which the Mussulmans will be in a hopeless minority, and the conclusions are foregone in such an assembly. Nor will they agree to any united India Constitution, federal or otherwise, with one Centre, in which, again, they will be in a hopeless minority, and will be at the mercy of the perennial Hindu majority domination. Further, any attempt to set up a Provisional Government at the Centre, which would in any way prejudice or militate against the Pakistan demand, will not be acceptable to us, as the thin end of the wedge, as it is sought by Hindu India under the term of the Provisional "National" Government of India.

If the Labour Government wishes to prove its *bona fides* to give freedom to the peoples of this sub-continent, they must face realities and facts as they are. First, the Hindus and the Mussulmans are two major nations living in this sub-continent, and there are Muslim Provinces and Hindu Provinces, and it is high time that the British Government applied their mind definitely to the division of India and the establishment of Pakistan and Hindustan, which means freedom for both, whereas an united India means slavery for Mussulmans and complete domination of the imperialistic caste Hindu raj throughout this sub-continent, and this is what the Hindu Congress seeks to attain by constant threats to all and sundry, and this is what we are determined to resist with all that lies in our power.

Annexure III to No. 444

HIS EXCELLENCY THE VICEROY'S SPEECH TO THE CENTRAL LEGISLATIVE ASSEMBLY ON 28TH JANUARY, 1946[4]

I have not come here to make any novel or striking political announcement, simply to meet the newly-chosen representatives of India, and to speak to you a few words of welcome and encouragement.

The intentions of His Majesty's Government have, I think, been made sufficiently clear. They have a determination to establish a new Executive Council formed from the political leaders; and to bring about a Constitution Making Body or Convention as soon as possible. I cannot enter into any details at the moment of the methods by which these bodies will be formed and how the difficulties, of which we are all fully conscious, will be surmounted. Nor do I think it wise to try to set a date or dates for steps to India's freedom. I can

[2] Mr Jinnah sent a letter in similar terms to Sir S. Cripps on 9 February. Para. 2 of Mr Jinnah's letter to Sir S. Cripps was identical with para. 2 of his letter to Lord Pethick-Lawrence. L/P&J/8/525: ff 138–40.

[3] See No. 2, note 7. The statement was issued on 14 July.

[4] See *The Legislative Assembly Debates* Vol. I, 1946 (Government of India Press, New Delhi, 1947), pp. 167–8.

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only assure you, that they have a priority label both in Delhi and Whitehall. I ask you for your co-operation and goodwill in our great task.

In this session you have already debated on adjournment motions some of the pressing questions of the day. Proposals for legislation will be put before you by Government spokesmen. These include some important measures which are the result of most careful deliberation; and which I think will, if passed by the Legislature, advance the credit and welfare of India. I do not speak with any intention of influencing your votes. It may be that you will think it right, some of you, to vote against the Government on almost every issue and to inflict the maximum number of defeats. If you believe that this is your political duty I have nothing to say; I may think that it will be a short-sighted policy to prevent or delay legislation that is likely to be of real benefit to India; but that is for you to decide.

I do claim, however, that you should not, in the course of the debates in this House during this session, say anything which may reduce the chances of my forming a political Executive Council, affect adversely the prospect of a settlement on the main constitutional issues, or increase the bitterness already abroad in the country. Enough, and more than enough, animosity has been caused during the elections to the Central Assembly; and the Provincial elections are likely to have the same effect. It would be a great help to me, and I think to the leaders of your parties, if moderation could be studied in all speeches here during this session.

I hope and believe that the period of destructive work in the Assembly is near an end. If I am successful in forming a new Executive Council with the support of the principal parties, you will have a very great deal of most important constructive work to put in at your next session. Legislation by ordinance is not at all to my taste; and I very much hope that you will then relieve me of the necessity to use my powers, even though it may involve long sittings to get through all the proposals put before you.

I think the Parliamentary Delegation have received a very general welcome to India and that they have impressed those who have met them with their earnestness and sincerity, and of the general desire in Great Britain to achieve a lasting and peaceful settlement. I am sure that they have made it quite clear that their purpose is not to delay the programme of His Majesty's Government, but to inform themselves, and thus their parties, of present conditions and opinions in India.

At the moment all our minds are inevitably concentrated on the great political issues shortly to be decided. Some of you may alternate between ardent hopes and chilling fears. I for my part am firmly optimistic, believing in an old and homely proverb: "Where there's a will there's a way."

But while the political issues are discussed, the administration of India has to go on, the people have to be fed, clothed and housed in the best way that our

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resources permit, law and order have to be maintained, plans for development must be prepared, vital decisions affecting India's whole economic future have to be taken. My much maligned colleagues have served India well and have had her true interests at heart; I believe that any new Government is likely to adopt many of their ideas. They are all, without exception, ready and willing to hand over their responsibilities at the earliest moment to their successors, to whom they will wish good fortune and godspeed in their difficult but vital task.

Gentlemen, it only remains for me to give you my good wishes for your work in this momentous Assembly. On you rests a great responsibility for the freedom and greatness of India. I would say this to you in conclusion and say it with all the conviction at my command: that in all great constitutional changes success has been achieved only by a spirit of mutual understanding and concession between the parties concerned.

Annexure IV to No. 444

MR. JINNAH'S STATEMENT DATED 28TH JANUARY, 1946
(COMMENT UPON VICEROY'S SPEECH)

There are three matters emerging from the address of His Excellency the Viceroy to the Legislative Assembly today, which require our immediate attention. Others will have to be dealt with as and when they arise and come up before us.

Firstly, the Viceroy's intention is to form his Executive Council with the help of, and in consultation with, the leaders of the principal political parties in the country. There is no reason, whatsoever, now, to talk of any arrangement to set up an interim Government. We were always ready and willing to agree to a fair and reasonable interim arrangement of forming an Executive Council during the War to secure cent per cent co-operation of India for the prosecution of the war successfully. But the Congress adopted an impossible attitude throughout. The War has come to an end and now we must tackle the main issues which will result in a permanent settlement of India's Constitutional problem. Muslim India has made it clear, beyond any doubt, that the only solution of India's political problem is the division of India into Pakistan and Hindustan and it is our grim resolve and determination to set up a free Muslim State in the Muslim majority zones in the North-Western and Eastern parts of India.

Sir Stafford Cripps, with his knowledge and experience of India, as a far-seeing statesman, after the breakdown of the Simla Conference said as follows:

"It would seem that in the present circumstances emphasis had shifted once again from transitional arrangements to a permanent settlement. If this be so, then it is obviously desirable not to waste further time trying to arrive at a temporary arrangement, which is mixed up inexplicably [? inextricably] with

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problems of permanent settlement, especially with that of the unity of British India. It is far better to expedite means of arriving at a permanent settlement in which the question of Pakistan must form a major issue."

Secondly, the Muslim League will not agree to any Central Government being set up as even an interim arrangement, as it is obvious, it will constitute the thin edge of the wedge and will relegate the main issue, viz:—the demand of Pakistan—to the background. Further, once an interim arrangement is jammed in, we feel, that it will put off the day of India's freedom—not only of the Muslims but of the other nationalities as well.

And thirdly, it follows that, we can never agree to one Constitution-making body being set up for British India. It will be perfectly futile and a waste of time, as the preliminary and paramount issue in such an Assembly will be the division of India into Pakistan and Hindustan. It is a foregone conclusion that on that issue there will be no agreement and no decision can be forced by the Hindu majority upon the Muslims who will be in a hopeless minority.

His Excellency the Viceroy has talked of the bitterness that has been created. It is the Hindu Congress that is solely responsible for it by adopting their policy and programme of action to crush the Muslim League and to disrupt the Mussulmans as the elections have demonstrated beyond doubt. Their unscrupulous and unwarranted interference with the Muslim electorate with the might behind their organisation backed up by the false propaganda of the Press, nine-tenths of which is controlled by them, their unlimited financial resources and the exercise of the economic pressure, to say nothing of the threats, intimidations and declarations of civil war. The Muslim League has remained scrupulously aloof from interfering with the Hindu electorates and have as an honourable party decided not to interfere with the non-Muslim electorates anywhere.

In the light of these facts, which cannot be denied, the Congress alone is responsible for this atmosphere of tense bitterness facing us. I would finally urge upon His Majesty's Government and the Viceroy to face realities and facts and proceed to make a clear declaration with regard to the major issue of Pakistan without further delay.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/PO/4/28: f 112

MOST IMMEDIATE INDIA OFFICE, *19 February 1946, 10.30 pm*

No. 3607. Press carries rather sensational reports about R.I.N. mutiny and disturbances in Bombay. Presume you will keep me as fully informed as possible in case of Parliamentary enquiry.

Repeated to Governor of Bombay.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/P&J/8/525: f 94

TOP SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 592/30 *19 February 1946*

My dear Pethick-Lawrence,

Thank you for your letter of 7th February[1] about what I have been accustomed to call the "Preliminary Conference."

2. Though I have never referred to a Preliminary Conference in public nor has that phrase been used by any Government spokesman in the Assembly, I think it will be difficult to avoid having a formal conference even though the important decisions may be reached beforehand in private discussions.

3. The representation of the States will make procedure by informal discussions difficult; and besides the States, the minorities, other than the Muslims, have to be heard. I am not sure that informal discussions will satisfy them.

4. I think there is justification for my belief that a Conference was intended in the record of the Cabinet discussions of the 11th September.[2] I give the following extract: "The general sense of the Committee was, that while it should be left to the Viceroy to evolve a scheme for consideration, it would be desirable that, to start with, the group should include the Prime Ministers and Leaders of the Opposition from each Provincial Government, and that the Viceroy should aim at a balance of parties with adequate representation of the smaller minorities." It would hardly be possible to have mere informal discussions with so many people; as my plan shows, we think that as many as 39 representatives will have to be invited.

5. I have referred to Corfield your points about the States representation, there seems to be force in what you say.[3]

Yours sincerely
WAVELL

[1] No. 407.
[2] Lord Wavell is in fact referring to the India and Burma Committee discussions of 11 September 1945. (See No. 105, p. 259.)
[3] Lord Pethick-Lawrence directed that this letter together with No. 407 should be circulated to Sir S. Cripps and Mr Alexander.

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Sir F. Wylie (United Provinces) to Field Marshal Viscount Wavell

L/S&G/7/904: ff 163–5

TOP SECRET *19 February 1946*

No. U.P.-6

Dear Lord Wavell,

I thank Your Excellency for your secret letter No. 125/49, dated 16th February, 1946,[1] about the doubts which assail our officers—particularly our European officers—in these excessively difficult days.

2. I have already discussed the whole situation with a large number of officers in this Province. The practice I followed in my first days here was to get in Collectors and Superintendents of Police from all the districts around Lucknow to stay with me. On tour I see all the local officers of the district where I happen to be, but in addition I get in the Collectors and Superintendents of Police of the surrounding districts to stay for a night or two and have a talk. This may not have helped the officers concerned very much, but it has helped me a lot. I am new to the Province. I may have to make a very high call on these officers in the very near future and it is quite essential that I should get to know as many of them as possible at least by name and form some estimate of their quality. The results of this tactic have been so far not altogether discouraging. Officers do talk of going, but they talk I think too easily. For one thing most of them have not been in England for years and they think of England as it was when they last saw the country, may be in 1936 or 1937. They know nothing of the austerity of life at home these days or how the middle classes—to which without intending to be offensive I take it that most of us belong—have come down [in] the world as a result of heavy taxation and the cost of all kinds of living outside the utility and rationed range. They are unaware too what little market value—exceptional cases apart—the man of 35 or 40 who knows nothing but a smattering of Indian administration has in England. I put it to them a little differently as well. This thing which we are working at has been handed down to us by our forebears. It has good and bad aspects. Nowadays it is fashionable to concentrate on the bad aspects. The good side is there too. I think without wishing to be priggish that it is up to the present generation of Englishmen to carry on for a while even at the cost of some personal loss and not let this country down. As you know I think, I hold very "advanced" views about the whole Indian problem. I would however be the last person in the world to suggest that India can do without British servants perhaps for a great many years to come. And if only we could get a reasonable solution of our present discontents, the Indian public—who

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have notoriously short memories—would be the first to admit it. I cannot say that I have had any very avid response to talk of this kind, but it has not been derided either. The real trouble is both lesser and greater. If you do not make it worth an Englishman's while economically to stay in this country, he won't do it. That is why elaborate talk about the Secretary of State's protection always makes me smile a little. The principal cause of the present discontent among district officers is not I think political at all. They have been through a lot and they are tired. Six months or better still a year in England would do them all a world of good. They would then look at the problem with different eyes, but they cannot look at the current rate of Income Tax and the current cost of living with different eyes. A political ministry at the Centre will be able to clear the whole country of British officials in less than no time by manipulating the Income Tax. Against invidious action of this kind the Secretary of State, the Governor-General and Governors will all be quite powerless. As a tired officer told me here the other day, what is the use of staying in India to enjoy the pleasure of being both over-taxed and overworked? Our officers these days—particularly those with young children—are very poor and for that no pep talk by the Governor or anyone else is the slightest use. They are not I think really afraid of the Congress Ministry if and when it comes. They are fed up however with constant worry about how to make ends meet in a country where you cannot, unless you are to lose caste altogether, reduce your standard of living.

3. But there is one class of officers whose case needs very special consideration. I mean the officers—European and Indian—who took a prominent part in the suppression of the 1942 disorders. I have for some time past been meaning to write to you about these men, but the material I needed has taken some time to collect. It is not ready yet, but actually I doubt if I need it. The case is quite clear without details.

4. In 1942 when our fortunes here and elsewhere were at their absolute nadir, the officers of this Province put down what was in effect a formidable rebellion. In doing so they used on occasion methods which I cannot condone and which, dragged out in the cold light of 1946, nobody could defend. Nevertheless, largely as a result of these actions, the rebellion—for rebellion it was—was put down with such speed that vital lines of communication to our armies in the east were restored and the war went on. I have thought of the case of these officers incessantly ever since I came here, and I have seen some of them and given them what consolation I could. In the event I have come [to] the conclusion that theirs is essentially a test case. I do not discuss the legal side of it about which so much has been written. In my opinion, there is no

[1] No. 437.

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legal protection for these officers which is not open to some obvious flaw. Section 197 of the Criminal Procedure Code will do well enough as a case in point. This section prescribes that no public servant shall be placed on his trial for any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty "except with the previous sanction of the Local Government". The snag is of course the words "Local Government". With a ministry in office the Local Government can sanction all sorts of proceedings against any officer without necessarily attracting the special responsibility of the Governor under Sec. 52 (1) (c) of the Constitution Act. Or if Secretaries are vigilant and if the Governor is combative, you have a series of crises culminating perhaps in the resignation of the Ministry and may be of the Governor.

5. The case of the 1942 officers is in this Province a particularly acute problem. So acute is it that after two months' experience of the Province and after searching my own conscience too I feel that I must state quite frankly that if the Ministry here when it assumes office discloses any intention of taking it out of these officials, then it will in my opinion have to be made an essential point of policy to resist them. We have not a bad case for doing so either. If our officers exceeded their powers on occasion in 1942, the conduct of the Congress underlings who led the rebellion was often nothing short of barbarous. So much so that I doubt in fact if the Ministry when they come in will press this issue with the Governor unduly. They too must be taking stock of the position and they must realise from our past conduct in this country that we are little likely to let our people down. The trouble with Congress Ministries however—I have had experience of them before—is that the tail is all too likely to wag the dog. Also our local leaders without an atom of political prescience are using language every day—in election speeches it is true—which will come back like a boomerang on them when they have taken the responsibility of running the administration. I believe however that if the Governor was forearmed and had the authority of His Majesty's Government and of the Governor-General both behind him in dealing with the Ministry in the very early days, this whole awkward issue might well be avoided. And so I feel that I must ask for an instruction on this topic now under Section 54 (1) of the Constitution Act. It may mean an immediate break with all the untold consequences that that would involve. A definite instruction, however, seems to me to be essential. Met with a firm attitude at the very outset, I strongly think that these officers can be adequately protected against the new Ministry. For one thing, however much they may talk themselves into thinking that India is fit for immediate independence, it is perfectly obvious to the most casual observer that she quite definitely is not. The Congress leaders know this—I have heard it from one of them myself—as well as everybody else. I shudder to

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think—and this is no mere cliché—what would happen in Cawnpore for instance if the steady and very much overworked English officers we have there now were replaced by Indians at any time in the foreseeable future. The same is true of Jubbulpore as I know from the days when I was Governor of the Central Provinces. The issue has a personal side too. That there is a British Governor here at all at the present time is in part due to the officers of this Province who put down the 1942 rebellion. About their methods I have already written, but put it down they did. If they are not to be protected, my own position here would become so difficult as to be I think altogether intolerable.

6. I have written strongly about this issue and perhaps at excessive length. I feel strongly about it. All that I have written has been in my mind for weeks past and I was just about to write to you on the whole subject when your letter of February 16th reached me.

Yours sincerely,
F. V. WYLIE

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Note issued by the Information Department of the India Office[1]

L/P&J/8/525: f 146

Undated

PANDIT NEHRU ON PAKISTAN ISSUE

Referring to reports that Lord Pethick-Lawrence and other officials are soon coming to India, Pandit Nehru, in the course of an interview with the Associated Press of America (outlining the course of events which he believed should follow the conclusion of elections in April), said that such a group might help to fill in the details of arrangements for independence, but the first requirement was the recognition and proclamation of India's right to full independence. Popular Ministries, he said, were required to meet the food crisis. He warned wrongdoers that they would have no place in the Government of India after the change over to Indian control. "Free India will not wish to carry on old feuds. It will be far too busy with big schemes of constructive work, and, for these, a peaceful atmosphere is necessary. Therefore, there is no desire to punish any person, official or other, who may have misbehaved in the past, except perhaps in very grave cases. But it is obvious that we cannot cooperate with persons who are known, and are proved, to have been corrupt or who have indulged in atrocities against our people. Such persons will have

[1] This note was based on tel. A. 1955 of 20 February from G. of I., Bureau of Public Information.

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to be removed from positions of authority. Apart from this, no other step is contemplated. As regards the Bengal Famine, persons, officials, or profiteers responsible for it, either through gross negligence or corruption, should be tried. There is no question at present of trying them, but when their negligence or corruption is proved they will have to go.

After the elections, the proclamation of India's right to independence should be followed by calling a constituent assembly, where India must draw up her constitution through her own elected representatives without any interference from outsiders. The constituent assembly must have unrestricted powers and should decide finally. It should nominate representatives to meet the British Government's representatives to determine matters of mutual concern. We may be prepared to refer to international arbitration any matters whereon satisfactory agreement could not be reached to the satisfaction of both Britain and India. But the question of Indian independence cannot be referred to arbitration and will have to be accepted as a basis for conversations and agreement.

I am convinced that Pakistan, as demanded by the Muslim League, is harmful to all concerned and India as a whole and was in fact not feasible. Nevertheless, Congress has declared that an Indian Federation must consist of willing units and there should be no compulsion. The desire of such units or groups to have freedom to fashion their destiny is recognised and hence it has been suggested that the fullest autonomy should be given subject only to certain essential common subjects such as defence, foreign affairs, communications, etc. Other common or federal subjects would be optional. Defence is obviously of paramount importance and cannot be endangered, or else there would be no security or freedom. This arrangement would give ninety-five per cent Pakistan to the area which wanted it, and, as regards the rest, it would be a common joint concern. If, however, some areas still wanted to break away, there would be no compulsion to retain them, but this must be made clear by a plebiscite of those areas on a definite and precise issue. Also, no areas could be forced to join a separating area against the will of its people. The question of defence, etc., must also be considered. Thus, there is no desire to settle the question of the demand for Pakistan by a mere majority vote of the constituent assembly. It is hoped that agreement will be arrived at then. If not, it is open to areas where Muslims are in the majority to vote on the issue."

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Professor Richards to Lord Pethick-Lawrence

L/P&J/10/59: ff 21–4

20 February 1946

My dear Pethick,
I thought perhaps that you might care to see the additional note that Rajagopalachari sent to me to which I referred this afternoon.

There is no need to return it.

Yours sincerely,
R. RICHARDS

Enclosure to No. 449

Mr Rajagopalachari to Professor Richards

PRIVATE 60, BAZULULLAH ROAD, THYAGARAYANAGAR, MADRAS,
29 January 1946

Dear Professor Richards,
I am very grateful for the most cordial and interesting meeting you gave me with your members on Thursday at Madras and for the expressions of appreciation some of your colleagues have made to the press about me.

I write this not only to thank you and say how glad I was to meet you but to add one more positive idea to the things I said at the meeting which I hope you will be able to communicate to your colleagues.

If other methods fail and Mr. Jinnah does not accept arbitration and the British Government does not find it possible to take responsibility for referring the issue to an International Arbitration Board, we may take the following course:

Let each Provincial Legislature now newly elected vote on the single question of joining the Indian Federation. Let all those provinces that vote for joining be constituted into a Free State straight away and carry on and wait for the rest to solve their problems and join. Provision may be made for Indian States in the area of the Union to join. I am sure Madras, Bombay, Orissa, Central Provinces, Bihar, U.P., Assam and N.W.F. will join the Union without any objection. The Indian States will come in also very soon if encouraged. This may mean the existence of a British-controlled central authority for Bengal and Punjab for some time, but it is bound to be short-lived. In the present world context, there is no question of war. The proposal I make is not unsuitable or impractical for peace-time; and it is not as difficult as it may at first sight appear to be. If all the Indian States scattered here and there all over India are carrying on now under British paramountcy, there is no difficulty

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in having a single free Federal Union controlling Madras, Bombay, U.P., Bihar, Orissa, C.P., N.W.F., & Assam. The distribution by its very nature will tend to absorb the remaining area in course of time as experience gathers.

The existence of two central authorities is not an objection that must rule the proposal out. In the absence of any solution for an interim government which is practical and generally acceptable, the taking out of the present Government of India's jurisdiction all central matters appertaining to Madras, Bombay, U.P. etc., and placing them in the hands of a free Federal Central Government will not be unreasonable or impractical. Co-ordination would still be possible and easy between the two central governments. This would be a more stable and efficient arrangement than a patched up executive council of two incompatible and partisan halves.

In the form of a general statement I may put my proposal this way: If we cannot solve the whole, let us solve the greater part and wait.

I am sorry I did not take this point up when I could talk about it in personal discussion.

Yours sincerely,
C. RAJAGOPALACHARI

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Sir F. Mudie (Sind) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/262: ff 124–5

D.O. No. 98/FR. GOVERNMENT HOUSE, KARACHI,
20–21 February 1946

4. I have just received Your Excellency's letter[1] about the morale of the magistracy and the police. So far I have been struck by the high morale of the superior services. Most of them especially the Europeans, get on well personally with the Ministers who are gentlemen by birth and tradition, very unlike the Congress ministers that we had in the U.P. When touring I always make a point of seeing all magistrates and gazetted police officers and I talk freely to Collectors and Superintendents of Police and I have found no desire to "quit India", though some of them are afraid that they may have to do so.

[1] No. 437.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell (Draft)[1]

MSS. EUR. D. 540/1

INDIA OFFICE, *21 February 1946*[2]

My dear Wavell,

I am in receipt of your confidential letter of 17th inst.[3] and hasten to send you a *personal* reply.

I am indeed sorry that my delay in giving you any detail[s] with regard to our projected personal plans and to our own discussions here on tactics of negotiation should have led you to think that we have any intention of acting separately from yourself.

I can assure you that that is not the case. It is the firm intention of my colleagues and myself that the negotiations shall be undertaken by you and ourselves acting together as a team. But it has been felt that that should not preclude some personal contacts which will be more easily made outside Viceregal Lodge, perhaps at private dinner parties.

As to our tactical approach to the actual problem[s] we are devoting the coming weekend *at Chequers* to a full discussion of the fundamental issues involved and I hope to be able very shortly afterwards to give you a full account of our reactions to them and to your own plan.

My difficulty has been that until we have had a proper time to deliberate away from the incessant interruption of other business it has not been possible for me to get any coordination of views which it would be profitable to communicate to you or even to clarify my own mind.

I hope this explanation and reassurance will allay the suspicions which I can quite appreciate you may not unreasonably have entertained but which are in fact quite without foundation.

[1] The draft of this letter, which is in pencil in Lord Pethick-Lawrence's hand, has been compared with the letter as received by Lord Wavell and printed in *Wavell: The Viceroy's Journal* (London, Oxford University Press, 1973), p. 214. Words in the letter as received but not in the draft are italicised here. Two cases where the draft has words in the plural which are in the singular in the letter as received are indicated with square brackets.

[2] Date taken from *Wavell: The Viceroy's Journal.* [3] No. 439.

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Cabinet Delegation to India. Paper C.D.I. (7)

L/P&J/10/21: ff 60–8

THE INTERIM EXECUTIVE COUNCIL

Note by Lord Pethick-Lawrence

INDIA OFFICE, *21 February 1946*

I circulate for discussion a memorandum by officials on this subject.

P.-L.

I. *The Viceroy's Proposals.*

The Viceroy proposes that he should try to reconstitute his Council on the following principles:—

(*a*) Parity for Muslims with Hindus other than Scheduled Castes.
(*b*) The Muslim seats to be filled by Muslim Leaguers (assuming that the Punjab elections go well for them).
(*c*) The Muslim League to have two out of four key portfolios.

The Viceroy thinks he would have to agree to a total of 14

5 Hindus (other than Scheduled Castes)
5 Moslem League
2 Scheduled Caste
1 Sikh
1 Indian Christian

but would prefer a Council of 12 i.e. 4:4:2:1:1, and would probably try for this. He proposes that the War Member be an Indian, (a separate paper[1] is being circulated on this proposal) so that the Viceroy would be the only member who is not an Indian politician. (*a*) and (*c*) above were agreed to by the parties at the Simla Conference, though it was not then contemplated that the War portfolio would, as the Viceroy now proposes, be one of the key portfolios to be given to an Indian. (*b*) grants to Jinnah the point on which his insistence broke off the negotiations at Simla. It is very questionable whether the Congress will accept it now.

The Viceroy's original plan was to form an Executive Council first, and to consult them as to the composition of the "preliminary Conference" on the C.M.B. He has been told that the Cabinet consider that the discussion on the formation of the new Executive is bound to raise the long term issues—particularly the Pakistan issue—and that therefore the whole field must be dealt with together.

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II. *Probable attitude of the Parties.*

A. The Congress

The Viceroy in his memorandum I.B. (46) 4[2] envisaged the possibilities:—

(*a*) that the Congress may demand immediate establishment of an Executive Council on which their representation will be proportionate to their success in the elections;

(*b*) that they may demand the abolition of the Governor General's Veto (see Annexure II);

(*c*) that they may make other demands as the condition of their cooperation —e.g. withdrawal of Indian troops from Indonesia or cessation of the I.N.A. trials and release of all I.N.A. personnel.

The Congress attitude has since been illuminated by an interview between the Viceroy and Maulana Azad. An extract from a letter from Lord Wavell and the relevant part of the note of his interview with Azad is appended (Annexure I). The significant points in this are that the Congress President suggested that the issue of Pakistan can be put aside in the formation of an Executive Council and be settled in a C.M.B., and that the Council should be formed from a panel constituted by each Provincial Prime Minister nominating two persons. This is clearly not an acceptable basis as Jinnah may have only two Muslim League Prime Ministers, Bengal and either Sind or the Punjab.

B. The Muslim League

Jinnah has already stated in public that he will not cooperate in a political Executive Council. Commenting on the Viceroy's address to the Central Legislature at the end of January he said:—

[*There follow most of the fifth and sixth paras. of Annexure IV to No. 444 beginning:* '. . . *The Muslim League will not agree to any Central Government being set up* . . .']

Jinnah has now stated his position in a letter to the Secretary of State the text of which is in I.B. (46) 19.[3]

Mr. Arthur Moore, the late editor of the *Statesman* who interviewed Mr. Jinnah privately on 22nd January, says that Mr. Jinnah took this same line with him but when asked whether the League would take part in an interim government *if the principle of Pakistan were recognised* said that they would, and that it would not matter whether Congress came in or not.

III. *Issues which arise for decision.*

(1) Whether the conversations should be conducted on the basis that the primary object is to reach decisions on setting up the Constitution-making Body and the question of the interim Executive Council be

[1] No. 453. [2] No. 337. [3] No. 444.

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left for subsequent discussion; or whether, as the Viceroy apparently desires, the discussions should be opened on the subject of the Executive.

(2) If Jinnah declines to cooperate in the Executive Council, either because the conclusions in regard to the C.M.B. are not acceptable to him or for any other reason, do H.M.G. accept the Viceroy's proposal that he should take the Congress into his Council and fill the Moslem seats with non-League Moslems? If so, are they prepared to give the Congress a larger proportion of the Council than they would have on the Viceroy's formula if the Moslem League came in? The Congress will no doubt press strongly for that and if H.M.G. decide to have them in it may be difficult to resist this demand. They might well demand 2 or even 3 seats for Congress Moslems in addition to the 5 Congress Hindus.

(3) If Jinnah is prepared to cooperate and the Congress are not, do H.M.G. accept the Viceroy's proposals to reconstitute the Council appointing non-Congress Hindus to fill the Hindu seats?

(4) Do H.M.G. agree with the Viceroy that the War Membership should be Indianised?

IV. There is one important general consideration bearing upon these issues. This is that there is considerable evidence indicating that the policy of the Congress after the elections will be to take office in the Provinces and at the Centre with the object of gaining control of the machinery of administration, in order to use this dominating position to force the British Government out of India, without any equitable settlement having been reached with the Moslems. In this way they would achieve their objective of an undivided India under a Hindu-controlled Central Government. In order to achieve this position the Congress might agree to a C.M.B. under safeguards which might allow Pakistan to come into being. This is thought to be the policy of Vallabhbhai Patel who is a most powerful member of the Congress Working Committee and more opposed to any considerable concession to the Moslems than Nehru and Azad. If the Congress made an attempt of this kind after they had been in office in the Provinces, and also any length of time at the Centre with the Muslim League in opposition, it might well be that the resources available to the Governor General would be incapable of dealing with such a situation. This would be the more so if the Congress had held the War portfolio.

It is suggested for consideration therefore that the answers to the questions in paragraph III above should be:—

(1) That the question of the interim Executive should be dealt with after the C.M.B. has been discussed. Jinnah cannot be expected to come in until he knows where he stands on the Pakistan issue. The Congress will be less likely to compromise on that issue once they are sure of entering an interim Executive.

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(2) That there are great risks in taking Congress into the Executive without Muslim League representation. Non-League Muslims would be men of straw regarded as traitors by the Muslim League and commanding no support in the Central Legislature where all the Muslims belong to the League. The Congress would resent being overruled by a majority vote composed of non-League Muslims as much as being overruled by the Viceroy's veto and would probably not accept that position. On the other hand, if two Congress Muslims were included there would be a Congress majority or equality of votes and the Viceroy could not exercise his veto or his casting vote in practice, without inviting the resignation of the Congress Members and a clash with Congress while the Muslim League also are in opposition. The only circumstances in which this course might be worth the risks would be if the Muslim League had refused a reasonable settlement on the character and functions of the C.M.B. while Congress had gone some distance to meet them.

(3) This is unlikely to arise, but an Executive with the League in it and the Congress out of it would be less justifiable on merits than the opposite case.

(4) A separate paper C.D.I. 8 deals with the proposal to Indianise the War portfolio.

Annexure I to No. 452

EXTRACT FROM TOP SECRET AND PERSONAL LETTER FROM LORD WAVELL TO LORD PETHICK-LAWRENCE DATED 29TH JANUARY, 1946

[*There follow paras. 2–4 of No. 389 and paras. 3–5 of its Enclosure.*]

Annexure II to No. 452

THE VICEROY'S VETO

Section 41 of the 9th Schedule of the Government of India Act is the statutory provision on this subject. It reads as follows:—

41.—(1) If any difference of opinion arises on any question brought before a meeting of the Governor-General's Executive Council, the Governor-General in Council shall be bound by the opinion and decision of the majority of those present, and, if they are equally divided, the Governor-General or other person presiding shall have a second or casting vote.

(2) Provided that, whenever any measure is proposed before the Governor-General in Council whereby the safety, tranquillity or interests of British

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India, or of any part thereof, are or may be, in the judgment of the Governor-General, essentially affected and he is of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority present at a meeting of the Council dissent from that opinion, the Governor-General may, on his own authority and responsibility, adopt, suspend or reject the measure in whole or in part.

(3) In every such case any two members of the dissentient majority may require that the adoption, suspension or rejection of the measure, and the fact of their dissent, be reported to the Secretary of State, and the report shall be accompanied by copies of any minutes which the members of the Council have recorded on the subject.

(4) Nothing in this section shall empower the Governor-General to do anything which he could not lawfully have done with the concurrence of his Council.

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Cabinet Delegation to India. Paper C.D.I. (8)

L/P&J/10/21: ff 69–78

INDIANISATION OF THE WAR PORTFOLIO

Note by Lord Pethick-Lawrence

INDIA OFFICE, *21 February 1946*

I circulate for discussion a letter[1] from the Viceroy forwarding a memorandum by the Commander-in-Chief on this subject. Lord Wavell and General Auchinleck recommend that the War portfolio should be Indianised when the interim Executive Council is formed.

2. The Commander-in-Chief's memorandum discusses also the position under a new constitution when the War Member will certainly be an Indian. I do not propose to discuss that in this paper except on one point which is common also to the more immediate problem. The Commander-in-Chief contemplates that in addition to any strategic reserve force which it may be decided to have there will continue to be a contingent of British forces in India to assist in the local defence of India and for internal security purposes. He proposes that, subject to a general agreement between H.M.G. and the new Government of India as to the circumstances and conditions in which these latter forces may be used, the Indian Government should be permitted to employ them at their own discretion. It seems to me out of the question for an Indian Government not subject to any control by H.M.G. to be empowered

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to take decisions as to the use of British forces—whether land or air—either for internal security purposes or for "wars in which H.M.G. may not be involved", which I take to mean primarily frontier operations. If an Indian Government of this sort desires to have the use of British forces for these purposes, then I consider that they must be called upon to agree that some authority over whom H.M.G. have control and in whom they have confidence shall decide whether British troops may be used in a particular case. This authority might at that stage be either the Viceroy or the United Kingdom High Commissioner or, in the case of civil disturbances, the Governors of Provinces if they continue to be appointed by the Crown. If this is not acceptable to Indian politicians, I do not think it can be helped.

3. Turning to the immediate problem there appear to be the following considerations in favour of Indianisation:—

(i) An offer to Indianise this portfolio may increase Indian willingness to enter an interim Executive.

(ii) It will enable the relations of the military authorities with an Indian War Member to be worked out in circumstances in which the Viceroy will have some control. If reasonable arrangements can thus be established in the interim period, Indian leaders may be more disposed to continue close relations with us in the defence field under the new constitution.

(iii) In the discussions on the Draft Declaration of 1942 it was argued that it was the necessities of war which made it impossible to Indianise the War portfolio. The implication that now that the war is over it can be done will not have escaped Indian politicians.

4. The considerations weighing against Indianisation at this stage seem to me to be—

(i) Although the Viceroy says that this step would not involve putting British troops under the control of an Indian Government because he himself will be the head of the Government and would "have no hesitation in using my powers in the unlikely event of it being necessary to do so", he regards it as necessary to require that the War Member should agree to bring to his notice all important matters in which the Commander-in-Chief and the War Member were in disagreement—and, more, that the Commander-in-Chief should have direct personal access to himself. To make a proviso of this sort would detract considerably from the sweetening effect of the proposal. It might be resented and possibly resisted. If it were agreed to, and the Viceroy's veto were used in consequence in various minor matters,

[1] No. 383.

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this would be a constant source of friction between the Viceroy and his Council as a whole. If, as is more probable, it were found that in practice the Viceroy could not use his veto we might well find that British troops became involved in frontier or internal security operations in circumstances over which H.M.G. have no effective control. The Viceroy's veto could only be used sparingly in minor matters and on major issues only when they are so large that we were prepared to face a conflict with the Congress.

(ii) On the other hand if, as a result of difficulty in using the "veto", a situation grew up under the conditions envisaged in (i) above in which an Indian War Member had in practice unfettered control in these matters, we should find it much more difficult to insist that an independent Indian Government should not have such control of British Forces under the final constitution.

(iii) Until a Constitution-making Body has framed a constitution and this has come into force, H.M.G. remain responsible for the Government of India. Assuming a C.M.B. is successfully set up there will be great tensions within it and it may take a long time before it reaches decisions. It may fail to reach any conclusions at all. It would be dangerous to divest the Commander-in-Chief of the full control of the defence forces which he exercises as War Member during a period which will be a tense one from the internal security point of view.

(iv) We cannot tell whether we shall get both the Moslem League and the Congress into the Council or whether they will both stay there if they come in. If one of them stays out or goes out, communal relations will be extremely strained and the dangers of that situation would be much increased if either side had one of its members in control of the armed forces.

(v) It may be argued that if Indian politicians come into the Council with the intention of wrecking the machinery of government they can do so whether or not the War portfolio is Indianised. This may be true but an Indian as War Member would have a peculiar opportunity for working for the benefit of his party. He would control the policy in regard to the recruitment to the Indian Army, and would be in a position to influence, if not decide, policy as to the location of troops in India, and he would have the final decision as to what officers should be appointed to command in each area except in the highest appointments which require the King's approval. It would be essential to define most clearly the respective responsibilities of the War Member and the Commander-in-Chief and to ensure that the actual administration, including all appointments, remained the responsibility of the Commander-in-Chief subject only to the general direction of

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policy by the War Member. But if this were done the War Member himself would be much reduced in practice.

(vi) Until a few weeks ago when their tactics were suddenly changed, Congress leaders were talking openly of a resort to violence as a means of settling the constitutional issue if independence was not speedily granted after the elections. Patel has stated that if the Moslems want Pakistan they will have to fight for it. As it seems very probable that we shall have to give some decision in regard to the Pakistan issue, it would be dangerous to give the War portfolio to either community until that question is settled. As mentioned in the paper on the Interim Executive Council[2] there are indications that the Congress are aiming to get the fullest possible control of the administration with a view to enforcing their own decisions on the Moslem League and on ourselves after they have done so.

(vii) A very relevant consideration is that under existing legislation the pay and conditions of service of the British Forces serving on the Indian Establishment legally fall to be determined by the Governor General in Council: but that in this, as other matters, the Governor-General in Council is amenable to direction by the Secretary of State. The pay of British forces in India has to be fixed in the light of what is paid elsewhere. When improvements are granted it is necessary to ask the Government of India to accept additional charges in respect of comparable improvements for personnel on the Indian Establishment. On these matters it is still sometimes necessary even with Europeans as Finance Member and War Member for the Secretary of State to require the Government of India, against their protests, to comply with the general policy of the British Service. Still more controversial is the application of such improvements to officers of the Indian Army. In present circumstances these matters can often be settled departmentally without reference to the Viceroy's Council unless very substantial sums are involved. Difficulties will, however, arise in any case when the Finance portfolio is Indianised but would certainly be increased if there were also an Indian War Member who was not prepared to support such cases in the Executive Council.

5. These are formidable considerations. I am inclined to think that we should not take the initiative in offering to Indianise the War portfolio. So far as I know the Congress leaders have not raised any demand for it to be Indianised since the time of the Cripps Mission. I doubt if an offer at the outset to Indianise the War portfolio would increase the chances of Jinnah coming into an interim Executive Council and I think it would certainly be a mistake to Indianise

[2] No. 452.

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this portfolio unless both parties came in to the Council and a Constitution-making Body had been set up on some basis accepted by both sides. If we were successful in regard to a Constitution-making Body and did not have to overrule one side or the other there would clearly be a great relaxation of tension in all quarters, and conditions might be created in which the advantages of Indianising the War portfolio might outweigh its risks.

6. In resisting any initiative to Indianise this portfolio we might, I suggest, subject to discussion in India with the Viceroy and the Commander-in-Chief, rest our objection to it on our inability to agree to British Forces being at the disposal of an Indian Government. At the Simla Conference, though no demand was made for the War portfolio, a desire was expressed that the Indian Army should become a "national organisation". This may be raised again and, if so, we could point, as we did at the time of the Cripps Mission, to the present organisational integration of the British and Indian Armies. I understand that the Commander-in-Chief is considering an early reorganisation in which the two Armies will be separated into all-British and all-Indian Brigades, organised together only on the divisional level. We could say that our aim is to bring this about as part of the process of reducing the forces in India to a peace time establishment and that when it has been substantially achieved the Indian Army together with the Royal Indian Navy and Royal Indian Air Force which do not present the same difficulties or to the same degree can be placed under an Indian War Member, British Forces remaining under the Commander-in-Chief who would be responsible to H.M.G. in respect of them.

P.-L.

Annexure to No. 453

TOP SECRET LETTER FROM LORD WAVELL TO LORD PETHICK-LAWRENCE NO. 341/9 DATED 27TH JANUARY, 1946

[*There follows the text of No. 383 and its Enclosure.*]

454

Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/PO/4/28: f 13

MOST IMMEDIATE INDIA OFFICE, *21 February 1946, 2.5 pm*

No. 3721. I am still without report from you or Governor of Bombay about Bombay situation. Cabinet pressed me strongly this morning for report. Please telegraph most immediate if you have not done so.

Repeated to Governor of Bombay.

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Mr Attlee to Field Marshal Viscount Wavell (via India Office)

Telegram, L/PO/4/28: f 12

MOST IMMEDIATE *21 February 1946, 3.25 pm*

PRIVATE AND TOP SECRET

41. Following from Prime Minister to Viceroy. *Begins.* Your failure to reply to the Secretary of State's telegram[1] asking for information on the situation in Bombay places us in serious difficulty here. Information should have been sent by you without even a request from here. I must demand an immediate statement on the position. *Ends.*

[1] No. 445.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/PO/4/28: f 10

MOST IMMEDIATE NEW DELHI, *21 February 1946, 11.55 pm*
Received: 21 February, 7.5 pm

No. 422-S. Your telegram 3721[1] of February 21st. R.I.N. mutiny. Report was sent in War Department telegram 1171 of February 20th.[2] Another report has been sent by War Department today in telegram 1200.[3] War Department will continue to send situation reports as necessary.

Repeated to Governor of Bombay.

[1] No. 454. [2] Received in India Office on 21 February, 3.30 pm. L/WS/1/1040.
[3] Received in India Office on 22 February, 4.20 pm. *Ibid.*

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Draft by India Office[1]

L/P&S/12/4662: ff 4-5

undated

ECONOMIC

VIEWS OF THE GOVERNMENT OF INDIA

231. In the economic field wartime demand has developed India industrially and has enriched her so that in this field she is now the most powerful country

[1] This re-draft, prepared in the Economic and Overseas Department of the India Office, of paras. 231-5 of the draft paper on 'British Foreign Policy in the Far East' (No. 354) was sent to the Cabinet [*footnote 1 cont.*]

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in East Asia. The temporary elimination of Japan and the enfeebled state of China give her an opportunity, which is likely to be fleeting, to establish herself as the leading trading nation in that area. The competition of such Japanese industries as may be allowed to resume operations will again have to be faced before many years have elapsed and additional competition may well be forthcoming from China when that country has had an opportunity of carrying out a process of modernisation and industrialisation.

232. The population of India is increasing rapidly. From 340 million at the 1931 census it has been estimated to reach various figures between 500 and 670 million by 1970. India's indigenous food production is already insufficient to feed her own population and increased foreign trade, as well as internal development, will clearly be necessary in order to pay for the increasing quantities of food which will need to be imported. There is little scope for the expansion of India's exports of raw materials and the development of industries capable of producing manufactured goods for export must be expected. To compete successfully in the cheap consumer goods market, however, India will need to organise her industries on more efficient lines in order to reduce her relatively high manufacturing costs.

233. In these circumstances the Government of India feel that India's economic policy should be to become the leading manufacturing and trading country of East Asia. Her requirements of foodstuffs as well as tradition indicate that she will look to the "Rice Bowl" area of Burma, Malaya, Indo-China and the Dutch East Indies. These could all absorb manufactured goods in exchange for food and raw materials. The development of trade with South East Asia would afford suitable employment for India's merchant fleet which she is anxious to expand. The extension of Indian mercantile institutions in these territories may not be altogether welcome, however, particularly in Burma. The East requires a form of agricultural credit which it is not easy for westernised institutions to provide. This opens a profitable field of activity for the Indian merchant, who performs a service of some value, but his superior business acumen and tendency to acquire large tracts of land as a result of foreclosure in connection with money lending or banking activities is liable to lead to anti-Indian feeling.

234. Emigration is a separate question. The population of India is so great that emigration can scarcely affect the Indian population problem. The migration of Indian labour to the South East Asia area has long been a phenomenon of Indian economic life, raising many problems, some of which are perhaps likely to become even more acute in the future if nationalism, political and economic, gains in intensity in the territories concerned as it at present undoubtedly seems likely to do.

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APPRECIATION

235. It is possible that if a constitutional settlement reduced the present preoccupation with politics, Indian opinion might turn its attention to the vigorous pursuit of a policy of trade expansion in South East Asia. At present, however, Indian eyes seem to be turned almost wholly to within her own frontiers. Her leaders of industry see the problem of increasing pressure of population and have worked out schemes aimed at the raising of the standard of living of the masses. Nevertheless it seems clear that economic considerations will eventually make it necessary for India to attempt to capture overseas markets previously held by Japan and it is to be anticipated therefore that India will favour a policy of destroying completely Japan's overseas trade. This tendency may have to be resisted by H.M.G. in the interests of future world peace and to avoid the necessity of affording relief to Japan.

Note [in original] No account has been taken in the foregoing of the situation which would arise if the Moslem claims for the division of India were met. It is possible that Hindu India, deprived of some of the best foodgrain producing areas, might have more urgent need of increasing her foreign trade but the whole matter is governed by so many uncertain factors that little useful purpose would be served by attempting to assess the effect which partition would have on the external economic situation.

Office on 21 February 1946 and was included in a revised edition of that paper circulated on 16 April 1946 to the Cabinet Far Eastern (Official) Committee as Paper F.E. (O) (46) 52. This was also described as a draft, but the Cabinet Office have no record of any later circulation. L/P&S/12/4662: f 2; R/30/1/6: ff 2–4.

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Cabinet

Chiefs of Staff Committee, Joint Planning Staff. Paper J.P. (46) 20 (Final)

L/WS/1/1008: ff 86–90

REINFORCEMENTS FOR INDIA

REPORT BY THE JOINT PLANNING STAFF

OFFICES OF THE CABINET AND MINISTER OF DEFENCE, S.W.1, *22 February 1946*

As instructed, we have re-examined the question of reinforcements for India in the light of the latest telegrams[1] from the Commander-in-Chief, India.

[1] Nos. 365 and 430.

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Background

2. The question of possible internal disorders in India in 1946 was first raised[2] by the Viceroy in November. The Chiefs of Staff considered that it was necessary to obtain a military appreciation from the Commander-in-Chief, India, in order that they might be in a position to advise His Majesty's Government on the military implications.

The Commander-in-Chief, India, was, therefore, asked[3] for an appreciation and a series of telegrams[4] were exchanged between him and the Chiefs of Staff, leading up to a signal from the Chief of the Imperial General Staff to the Commander-in-Chief[5] which pointed out that "we must have full and adequate reasons given by India in order to support our recommendations to the Defence Committee", and asked the Commander-in-Chief to provide "an appreciation . . . marshalling all facts together and giving full and firm reasons for requiring reinforcements."

C.-in-C. India's Latest Views

3. In his reply[6] General Auchinleck re-iterates that it is not possible to make a satisfactory appreciation on normal military lines, since no one can forecast the extent of hostile action with which we may have to deal. At the best, trouble may be limited to isolated civil disturbances in different parts of the country, in suppression of which it may be possible to use Indian armed forces in support of the Indian police. At the other extreme, we may be faced with complete rebellion supported by the whole of the Indian armed forces and by the North West Frontier tribes. In addition, he stresses the grave and increasing danger of communal trouble amounting to a large-scale religious war between Hindus and Moslems, in which case British troops alone would be available to restore the situation; this would almost certainly result in turning communal strife into anti-Government action by both parties, and we would again be faced with the risk of the Indian armed forces joining the insurgents.

The Commander-in-Chief's plan is to hold the essential key points of Delhi, Bombay, Karachi, Calcutta and Madras.

The Commander-in-Chief states that in the circumstances it is impossible for him to say that the immediate despatch to India of the 3 British brigade groups, which he had previously requested, is essential although it might be desirable as an insurance in order to minimise any risk there might be of loss of control of these key points. Moreover, General Auchinleck is not convinced that the arrival of these reinforcements before trouble begins would have a steadying effect, and doubts if this is sufficient justification for their despatch.

Although the Viceroy at first considered[7] that it would be advisable to increase the number of British troops by unobtrusive means in order to provide a steadying influence and prevent trouble beginning, we are informed that

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Lord Wavell now agrees with the Commander-in-Chief's views as set out in his latest telegram.

Comment

4. In view of the Defence Committee decision reducing the size of the armed forces, reinforcements could only be provided for India by cutting down our garrisons elsewhere below a level considered essential for the fulfilment of our commitments. If it were decided to do this it would be necessary to obtain the approval of the Defence Committee.

In the light of the latest telegram from the Commander-in-Chief, India, we consider that although reinforcements for India would be desirable as a form of insurance, there is insufficient justification on military grounds for their despatch now.

We may, however, find it essential to provide British reinforcements some time between now and the end of the summer and to accept risks in other theatres. In this case, no cover plan will be required and the speed with which these reinforcements can be got to India will be an important consideration in deciding which theatre shall provide them.

Future Reinforcements

5. In his two latest telegrams, the Commander-in-Chief, India, envisages that his most likely immediate requirement will be for three British brigade groups.

The British formations most readily available are those in South East Asia Command. These are:—

2 British Division at present in Malaya, less one Infantry Brigade in B.C.O.F. and C.R.A.'s brigade in India.

5 Parachute Brigade in Java.

Regarding the former, the Commander-in-Chief, India, has consulted the Supreme Allied Commander, South East Asia, who agrees that these two brigades should remain in Malaya and be earmarked for India should trouble break out. The engineer and artillery units necessary to bring these up to brigade groups are already in India.

6. 5 Parachute Brigade is now deployed in Java. Any decision to move it to India must be considered in the light of the situation in the Netherlands East Indies, bearing in mind political considerations and the repercussions which this move might have on Indian Troops now in Java. We, therefore, cannot count on 5 Parachute Brigade being available for reinforcing India and another brigade may have to be found. We consider that the War Office should be invited to make the necessary arrangements to enable a brigade

[2] Enclosure to No. 194. [3] No. 212. [4] See Nos. 256, 283, 309, 310 and 365.
[5] No. 394. [6] No. 430. [7] No. 240.

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group from another theatre to be made available with the minimum delay should the situation in India require it and should it be decided at the time, in the light of our other commitments, that further reinforcements should be sent.

Report to Defence Committee

7. Since the Viceroy's memorandum was considered by the Cabinet, we suggest that the Chiefs of Staff may wish to inform the Defence Committee of their decision concerning the despatch of reinforcements to India. We, therefore, attach at Annex II a draft report from the Chiefs of Staff to the Defence Committee.

Conclusions

8. We conclude that:—

(*a*) We are not justified, at present, in sending reinforcements to India.

(*b*) If additional British forces are later required in India, two brigades of 2 British Division will be immediately available from South East Asia Command and it may be possible to provide a third brigade group from another theatre.

Recommendations[8]

9. We recommend that:—

(*a*) The draft telegram at Annex I be despatched to the Commander-in-Chief, India.

(*b*) The War Office be invited to make the necessary arrangements for a brigade group to be available from another theatre should it be decided that further reinforcements are necessary.

(*c*) The draft report at Annex II be circulated to the Defence Committee.

(*d*) This paper should be forwarded to the India Office for information.

(Signed) J. F. STEVENS
R. H. BARRY
J. H. EDWARDES-JONES

Annex I to No. 458

DRAFT TELEGRAM

From: Cabinet Offices.
To: C.-in-C. India, by Special Channels.
Rptd. S.A.C.S.E.A.
Following from Chiefs of Staff.
Your 63 COS[9] and IND. 0680,[10] not to S.A.C.S.E.A.

On weighing up your need for reinforcements against our world-wide commitments and man-power shortage we do not consider that we should be justified in despatching reinforcements to India now.

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2. We appreciate that it may become essential to provide reinforcements for you should the situation in India demand it. Should this stage of affairs arise you have first call on 2 British Division less one brigade.

We presume that the Div. troops of 2 Division will be available to make the two brigades of this division up to brigade groups.

3. War Office are making preparations to enable a further brigade group to be made available should further reinforcement be necessary. Its despatch however will involve the acceptance of risks in other theatres and the relative priorities would have to be assessed at the time.

Annex II to No. 458

REINFORCEMENTS FOR INDIA

DRAFT REPORT FROM CHIEFS OF STAFF TO DEFENCE COMMITTEE

In a memorandum from the Viceroy (C.P. (45) 281)[11] he forecast the probability of internal disorder in India. We accordingly asked the Commander-in-Chief, India, for a military appreciation of the situation and a series of telegrams on this subject have passed between us.

2. We attach at Appendix,[12] General Auchinleck's latest telegram with which we understand the Viceroy is in agreement. In this he states that in the circumstances it is impossible for him to say that the immediate despatch to India of the three British brigade groups, which he had previously requested, is essential, although it might be desirable as an insurance to minimise any risk there might be of loss of control of the key points (Delhi, Bombay, Karachi, Calcutta and Madras), which it is his plan to hold. Moreover, General Auchinleck is not convinced that the possible steadying effect which the arrival of these forces might have is sufficient justification for their despatch.

3. Having considered the report of the Commander-in-Chief, India, and in view of our extensive commitments and the reduction in man-power now imposed on the Services, we do not consider it justifiable to despatch reinforcements at present.

4. Should reinforcement of India become essential, the Commander-in-Chief, India, has a call on two brigades of 2 British Division now in Malaya. The War Office is making preparations to enable a further brigade to be available for India in case of emergency. It should, however, be borne in mind that this could only be provided for India by cutting down our garrisons

[8] The Chiefs of Staff approved these recommendations and the draft telegram in Annex I was sent as No. 851 of 25 February. L/WS/1/1008: ff 84–5.

[9] No. 365. [10] No. 430. [11] No. 210 in which Enclosure to No. 194 was circulated.

[12] i.e. No. 430.

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elsewhere below a level essential for the fulfilment of our commitments. Any decision to send this further reinforcement would therefore have to be made in the light of the world-wide situation prevailing at the time.

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Minutes by Mr Patrick and Sir D. Monteath

L/P&S/13/998: ff 122–3

22–27 February 1946

Sir Wm. Croft
Sir D. Monteath
Mr Henderson
P[rivate] S[ecretary]

The above[1] corresponds with what Sir W. Monckton told Sir D. Monteath, Sir W. Croft and myself about the issue of his visit, except that Sir W. Monckton added that he did not think much of the Nizam's Council except the President (whose retention after August is in doubt) and that in his opinion it would be the Nizam who decided the line of negotiation. Also Sir Walter stressed the Nizam's preference for continued association with the British Crown.

With reference to A,[2] Sir W. Monckton anticipated that if Jinnah got any concession of Pakistan it would be with Jinnah that the Nizam would associate Hyderabad, and that Bhopal would do the same as regards his State. (Sir V. T. Krishnamachari tells me that his expectation is similar).

As regards B,[3] Hyderabad has some claim (on grounds known to Political Department but probably not known to the State) to use of the port of Masulipatam with a corridor under the Treaty of 1802.[4] The claim might be held to be time barred as it has not been actively canvassed since 1870 till now.

The upshot seems to be that Hyderabad has some staying power and would require a quid pro quo for association with an independent Hindu dominated Union. In any case Hyderabad, being bigger than several Provinces and more populous (16½ millions) than Assam, N.W.F.P., Orissa or Sind, could sustain a claim to treatment equal to that of an autonomous Province.

P. J. P. 22/2.

Possibly the Secretary of State will wish to see Sir Walter Monckton now that he has returned.[5]

Sir Walter Monckton has seen Sir David Monteath, Sir William Croft and myself. What he said generally confirmed the Viceroy's appreciation of Hyderabad's probable attitude towards constitution making. The Nizam had apparently been persuaded:—

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(*a*) to inaugurate the Constitution promulgated in 1938, but since in cold storage, which gives Hindus and Muslims fifty fifty representation on a "functional" basis in a consultative Assembly at the capital and on local bodies;[6]
(*b*) to be represented at discussions with the Viceroy (and now Ministers) leading to the setting up of a constitution making body;
(*c*) meanwhile, to put out no new pronouncement of an isolationist order.

Sir Walter thought that Hyderabad would in any case stipulate for retaining a connection with the Crown and that, if Jinnah's claim to a separate constitution making body were met, Hyderabad (and Bhopal also) would wish to be associated with Jinnah's body and not with the Hindu body.

The claim to an outlet to the sea was being seriously pressed. (The treaty of 1802, on which it is based, gives Hyderabad among others commercial privileges—including a maximum tariff of 5 per cent. on dutiable imports through British India—what Hyderabad interprets to be a right to establish a "factory" in Masulipatam in Madras with a corridor for duty free imports. This right lay unclaimed until about 1870, when it was revived but not pursued. After 1935, it has been again revived, but in 1939 was rejected on appeal (drafted by Sir Walter Monckton) to the Secretary of State.[7] Since its rejection, research has revealed some evidence not available to Hyderabad which strengthens the State's interpretation of the Treaty. But it is gathered that Hyderabad now feels the Port of Goa to be a much more valuable outlet than Masulipatam and more easily accessible mainly through State territory. It is gathered from Sir Walter Monckton that it is in the event of "independence" that the Nizam would make this a *sine qua non* of co-operation.)

P. J. P.
26. 2. 46.

As regards (*b*) above Sir W. Monckton a couple of days ago asked my advice (& may later have sought that of Sir S. Cripps) in regard to an invitation to take part in the "preliminary discussions" on behalf of Hyderabad. I told him, & he v[ery] readily agreed, that this "representation" of Hyderabad would be wholly inappropriate; that we could hardly prevent him from advising in the background, if he could not evade the invitation (almost a command from H.E.H.!) altogether; but that this last would be preferable, on all counts, not excluding that of Hyderabad's prestige.

D. T. M. 27. ii

[1] i.e. No. 432. [2] This referred to the fourth sentence of para. 2 of No. 432.
[3] This referred to the final sentence of para. 2 of No. 432.
[4] C. U. Aitchison, *A Collection of Treaties, Engagements and Sanads*, vol. IX (Calcutta, 1929), pp. 72–4.
[5] Lord Pethick-Lawrence minuted: 'Yes'.
[6] Lord Pethick-Lawrence minuted: 'But Viceroy's last letter is less optimistic'. See No. 442, para. 9.
[7] See L/P&S/13/1214.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/23

PRIVATE AND SECRET INDIA OFFICE, *22 February 1946*
Received: 26 February

Thank you for your letter of the 13th February.[1] I am very glad that you like the look of the Burrows. I entirely agree with your estimate of him and I hope that she will not find the conditions of life in Calcutta too irksome. It was indeed bad luck that they should have arrived in India at a moment when Calcutta was in turmoil but by the time they actually took over, I fancy the disturbances there were pretty well at an end.

2. You say that the food situation is uppermost in your mind. I need hardly trouble to echo that sentiment. You can well imagine what a week I have been having with the Food Delegation, the policy statement and various other matters of only slightly less consequence on my back together. In the intervals I have been overhauling my wardrobe and find to my relief that I am reasonably well equipped for a descent upon Delhi at the beginning of the hot weather.

3. I think and hope that the Food Delegation are not too unsatisfied with their reception. I am afraid that their first contacts with the officials of the Ministry of Food here were slightly unpropitious; naturally the Whitehall official does not go in much for sentiment and the visitors rather got the impression that they were regarded as suppliants, but I saw them on Monday afternoon, listened to them with great attention and made them what I hope was a reassuring—though necessarily non-committal—statement of His Majesty's Government's real desire to help. They impressed upon me and I fully accepted, that they should not be regarded as suppliants but rather as partners in adversity. They also of course showed the usual tendency to say in effect "that the British have run India for over 100 years, and the British are therefore now responsible for keeping us alive". I must confess that they produced very little in the way of figures or concrete suggestions though Sir Nazimuddin (with whom by the way I have had a private talk about Indian affairs generally in which he expressed strongly the Muslim League point of view) did mention the possibility of increasing rice production in Bengal by cutting down the jute crop. I asked him whether this suggestion had been put to the Governments of India and Bengal, and I understood from him that both the Governor and the Civil Supplies Department had been approached on the matter just before the Delegation left. He also mentioned the necessity for drafting Bengali labourers into Burma and allowing Indian landowners (who

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he said owned about one-third of the rice land in Burma) to return. On this point I have telegraphed to Dorman-Smith.

4. There was a Government Lunch yesterday for the Delegation at which I presided. I am not sure that it was quite an appropriate function in the circumstances but at any rate I gave special instructions that it was to be an "austerity" occasion and that the visitors were not to be offended by the sight of abundant bread being crumbled and left by the guests! (Incidentally I am pressing the same economy at all Government functions.) The Prime Minister has consented to receive the Delegation with Ben Smith and myself. I hope that we shall be in a position to give them some qualified comfort but I am afraid it cannot be to the full extent that we should wish. I have received the Government of India's telegram advising their requirements and have circulated urgently a note based on this and other information.[2] But time is so terribly short and all these Cabinet Food discussions (which really demand very close dispassionate and careful consideration) tend to be dealt with in a tremendous hurry with half the people not having been able to master the papers properly. I must say that they are some of the most distressing and unhappy occasions I remember in my life; one really feels that we are being asked to condemn millions of people all over the world to semi-starvation or even death.

5. I am delighted that you should have had these contacts with Gandhi and Jinnah over the food business and I think that this move has captured people's imagination everywhere.

6. The Prime Minister had a meeting the other day with the Parliamentary Delegation at which I was present.[3] I am very glad that their relations with you have been so friendly and I honestly think their visit has done a great deal of good perhaps not so much in India as at this end. They seem to have been very well satisfied with their visit but to have come back rather puzzled men. Some of the detailed plans made for them seem to have broken down occasionally but I dare say this was to be expected in the course of such a whirlwind tour, and I am sure that the people you put on to help them did their best. There will probably be an informal all-party meeting at which they will be able to give their impressions but this has not yet been definitely fixed up.

7. Many thanks for the information you give me about the three labour members nominated to the Assembly. I agree that they seem to have, at any rate on paper, the necessary qualifications.

[Para. 8, on the proposed Indian Art Exhibition in London, omitted.]

9. I note your view that the Khalifat issue is now definitely dead in India and that we need raise no objection to the ex-Sultan's body being buried in Hyderabad, if the family so desire.

[1] No. 429. [2] L/E/8/3329. [3] See No. 426.

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10. I was extremely glad to hear that the Rewa deposition had gone without any trouble. One naturally felt anxious lest the occasion should be taken for agitation either by the Princes or by Congress; but apart from a fairly mild statement by Nehru implying that we had pushed this man off his throne because he was thinking of giving self-government to his subjects, there does not seem to have been any all-India reaction. As regards the situation within Rewa, it was, as you say, lucky that the Maharaja was near the border and could be bundled over it. The arrangements as a whole seem to reflect considerable credit on all concerned.

11. It is a pity that Sapru and Jayakar will not serve on the Constitutional Committee; you do not say why but I suppose they feel there is not enough advantage to be gained from it.

12. The announcement[4] on Tuesday went reasonably well, I think, in both Houses of Parliament. You may have noticed that I hedged a little on one or two points. I always feel it is better to be cautious in the first instance than sorry later. One case in point was the question about your own position as King's representative. I have satisfied myself that it is clear beyond any doubt that you, as the holder of His Majesty's Warrant are the King's only representative in India and that my presence there does not affect your position in this respect. If there is any necessity to make any more formal pronouncement on this matter we can, of course, arrange to do so. Both the Prime Minister and myself were pressed a little as to the extent to which the Delegation can commit the Cabinet and Parliament; we of course fully expected this, but as I pointed out in the Lords, the question is not peculiar to this particular occasion but arises frequently in many connections. I was at first a little alarmed by the Prime Minister's answer to one of the supplementaries which was to the effect that any results of the Delegation's deliberations in India will involve legislation and will therefore come up to Parliament for approval. I should myself have inserted the word "ultimately", and I thought the effect of his statement on the Indian mind might be that it would be useless talking to a Delegation whose every word was subject to revision by Parliament. But I find that my apprehensions are not so strongly held by my advisers and I hope that no harm will result from the answer.

13. General Bradfield has shown me a letter[5] he has had from the D.G.I.M.S., enclosing a note which the former [? latter] has put up to the Government of India about the reinforcement of civil health services to meet the existing conditions, with the threat of possible emergency. I do not know whether you will have seen this note but the subject seems to be one of importance and urgency and I have no doubt that you will apply any necessary stimulation to the Health Member. I imagine he may also need your help in pressing the military medical side to give up the necessary officers.

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14. We have been gravely disturbed by the reports of the R.I.N. mutiny and are anxiously awaiting later developments. Both the Prime Minister and I have been not a little embarrassed by the delay in getting official reports about this incident from your end. No doubt the situation was rather confused in the early stages but the House of Commons is always insistent on full official information at the earliest possible opportunity.

15. While it would be wrong to give the impression that mutiny and strikes were the only sure methods of obtaining redress of grievances I feel sure that you will agree that if there are genuine grievances in the R.I.N. that have come to light in the course of events they should be looked into and redressed as soon as possible. And if this is true, with the above reservation, of the R.I.N., it is of course true without any reservation of the Indian Army and R.I.A.F. I realise that politics plays a big part, but political excitement needs suitable soil to grow in, and it is of the utmost importance that we should anticipate a possible source of unrest in the Indian Army and R.I.A.F. by taking any necessary steps of amelioration in advance of possible trouble.

[4] See No. 443, note 1. [5] Not traced in India Office Records.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/PO/4/28: f 9

MOST IMMEDIATE NEW DELHI, *22 February 1946, 12.15 pm*
Received: 22 February, 8 am

424-S. Your 3734[1] dated February 21st. I am sorry you have not had necessary information about R.I.N. mutiny. As Commander-in-Chief is first (? here) to get the latest news, I asked War Department to send you situation reports direct. Trouble seems to be due to their report of February 20th (telegram No. 1171)[2] having been delayed. Yesterday's situation report, contained in their No. 1200, must now have reached you[3] and Bombay have also telegraphed to you on civil repercussions.[4]

I have kept in closest touch with Commander-in-Chief and matter was discussed in Council on Wednesday, when Indian members expressed hope that mutiny would be very firmly dealt with.

[1] Saying that Mr Attlee had been pressed on the subject of the R.I.N. mutiny in the House of Commons that day and would have to make a statement on 22 February. L/PO/4/28: f 11.
[2] Received in India Office on 21 February, 3.30 pm. L/WS/1/1040.
[3] Not in fact received in India Office until 22 February, 4.20 pm. *Ibid.*
[4] Tel. 276/C of 22 February saying that Bombay City had remained calm. *Ibid.*

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Mutineers have been told that only unconditional surrender will be accepted. Lockhart, who is in command of all services in Bombay, has ample force available and, if ships open fire, they will have to be sunk. Ample forces are also available in Karachi.

Trouble is believed by Commander-in-Chief to be due to political influences, but the great majority of ratings are very young and have lost their heads completely. Two Congress politicians who proposed to address mutineers have been forbidden to make public speeches in Bombay.

R.I.A.F. situation is better and men at the Delhi aerodrome returned to work yesterday morning.

There is no sign of trouble spreading to Indian Army and Police.

Please pass copy to Prime Minister with reference to his telegram.[5]

[5] No. 455.

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Mr Attlee to Field Marshal Viscount Wavell (via India Office)

Telegram, L/PO/4/28: ff 6–7

PRIVATE AND MOST IMMEDIATE *22 February 1946, 2.10 pm*

42. Following from Prime Minister to Viceroy. *Begins.* The Secretary of State has shown me your 424.[1] You are incorrect in thinking that No. 1200 must now have reached me. For some inexplicable reason, these situation reports have been sent prefixed only "important" with the result that No. 1171 took almost twenty four hours to reach us. I am now about to make my statement in the House of Commons and No. 1200 is not yet in.

2. I am also surprised that you should have left it to the War Department to send situation reports direct and should not have supplemented these without any request from here with your own views. After all this is a matter which goes very far outside the military sphere alone.

3. I shall hope therefore to receive from you personally in the future constant reports on the situation, sent as most urgent. *Ends.*

[1] No. 461.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/PO/4/28: f 95

IMMEDIATE INDIA OFFICE, *22 February 1946, 7.40 pm*

3868. War Dept. telm. 20th Febry 1171[1] and your telegram 22nd Feb. 424-S.[2] Defence Committee this morning considered that after surrender of mutineers immediate steps should be taken to examine sympathetically any grievances which may exist and which may have facilitated activities of the mischief makers.

2. They also considered that it is most desirable to examine urgently the question whether there are in the Indian Army and R.I.A.F. any legitimate grievances which have not been dealt with and might provide material for disaffected persons to work on.

3. May I assure Prime Minister that Commander-in-Chief will take action in this sense?

[1] L/WS/1/1040. [2] No. 461.

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Field Marshal Viscount Wavell to Mr Attlee (via India Office)

Telegram, L/PO/4/28: ff 4–5

MOST IMMEDIATE MOTIBAGH, *23 February 1946, 11.5 am*
Received: 23 February, 9 am

No. 39-S.C. Following for Prime Minister. Your 42.[1] I am sorry that information is not reaching you urgently. I have been in constant touch with Commander-in-Chief and knew that he was sending reports both to India Office and Chiefs of Staff and assumed that they were going by most urgent means. Nothing that I could have sent personally would have added to your knowledge of the situation. Telegrams from Governor of Bombay on civil situation should keep you as up to date as myself. Since you desire it, I will send personal messages as well.

2. I came to Patiala yesterday to fulfil long-standing engagement but am returning to Delhi today. I have been in constant touch with Delhi by telephone.

[1] No. 462.

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Cabinet Delegation to India. Paper C.D.I. (9)

L/P&J/10/21: ff 79–84

THE TREATY

Note by Lord Pethick-Lawrence

INDIA OFFICE, *23 February 1946*

I circulate a note by officials on this subject.

P.-L.

1. The Cripps Offer stated that the Treaty would

(a) cover all necessary matters arising out of the complete transfer of authority from British to Indian hands.

(It was explained at the time of the Cripps Mission, and stated in the House of Lords on behalf of the Coalition Government in 1942 that: "a guarantee of special protection for British commercial interests in India would not be a condition for acceptance of whatever constitution Indians might evolve after the war, and that such provisions would properly be a matter for negotiation with the future Government of India.").

(b) that it will make provision, in accordance with the undertakings of H.M.G., for the protection of racial and religious minorities.

(c) it will not impose any restriction on the power of the Indian Union to decide in the future its relation to the other Member States of the British Commonwealth.

2. The negotiation of a Treaty in detail cannot of course take place until the constitution has at any rate taken shape. Nevertheless the Delegation may well be asked what the British Government will require to be included in the Treaty and it may be advantageous to make this clear at an early stage. For if at any later stage the Congress decided to discontinue discussions they might very possibly, having at the outset accepted the principle of a Treaty in broad terms, raise difficulties about its contents.

3. A list is appended of matters which preliminary examination in the India Office has suggested might be considered for inclusion. This list may well be too extensive but room for concessions will be required. A first and tentative draft of a Treaty has been received from India in the last two days[1] and until this has been examined no considered comments can be offered.

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Annexure to No. 465

The following is a summary, in broad outline, of the provisions[2] which it is suggested might be included in a treaty to be negotiated between His Majesty's Government and a self-governing India (or the constitution-making body):—

I. Foreign Affairs.

1. Perpetual peace and amity. Close Alliance, cordial understanding and full and frank consultation between the parties in all matters of Foreign policy which may affect their common interests, each party undertaking not to adopt in foreign countries an attitude inconsistent with the Alliance which might create difficulties for the other party.

2. Representation by a High Commissioner of each party at the capital of the other. Precedence of the U.K. High Commissioner in New Delhi over all other representatives of Commonwealth members or Foreign Powers.

3. Closest relations to exist between Indian Department for External Affairs and British High Commissioner, who will render all possible assistance to the Indian Government in respect of diplomatic transactions or negotiations.

4. Any international Treaty or Convention or Agreement concluded by H.M.G. in respect of India, or applicable to India by virtue of the adherence of H.M.G. in respect of India shall continue to be so applicable until the Government of India becomes a separate contracting party or until it is legally terminated in respect of India.

5. The Indian Government will not conclude political treaties with Foreign Powers inconsistent with the provisions of the present Treaty and will not enter into negotiations for a political agreement without consulting with His Majesty's Government through the British High Commissioner.

6. Should any dispute between India and a third State produce a situation which involves a risk of rupture, India and the U.K. will concert together with a view to the possible settlement of the dispute in accordance with the Charter of the United Nations and of any other relevant international obligations of either party.

[1] See Enclosure to No. 403.

[2] In para. 4 of a note dated 27 October 1945, Mr Donaldson stated that the position of frontier states and tribal areas was not being investigated by the India Office with reference to a possible Treaty. The G. of I., External Affairs Dept. had informed the India Office that 'little account has been paid to this matter in the constitutional discussions which have been proceeding, nor has any attempt yet been made to define the place which these states and areas should occupy in relation to an independent or "Dominion" India'. Mr Donaldson therefore felt that, 'until discussions have proceeded a stage further, it seems premature to attempt to forecast what provisions (if any) it will be necessary to include in a Treaty to deal with these territories'. L/P&S/12/4641.

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7. For the general conduct of diplomatic relations and the consular protection of Indian interests in places where no Indian representative (diplomatic or consular) is stationed, His Majesty's representatives will place themselves at the disposal of the Indian Government and will render all assistance in their power.

8. The Indian Government undertakes not to appoint any foreign officers or officials to the Indian public services without the previous concurrence of the British High Commissioner.

II. Defence.

9. His Majesty's Government accept a continuing responsibility in relation to the defence of India against aggression by a first class Power.

10. Should, notwithstanding 6 above, either of the parties become engaged in war with a foreign State, the other will, subject to any obligations under the San Francisco Charter or otherwise, immediately come to his aid in the capacity of an Ally. The aid of the Indian Government in the event of war or emergency will consist in furnishing to the U.K., on Indian territory, all facilities and assistance in their power, including the use of ports, airfields, and means of communication. These facilities and assistance will be made effective by the necessary administrative and legislative measures.

11. In time of peace the contracting parties agree to place at each other's disposal armed forces on such terms as may be agreed.

12. The contracting parties agree to lend each other such service personnel as either may require on agreed terms. The Indian Government undertake that, should they deem it necessary to have recourse to foreign military instructors, these shall be chosen from amongst British subjects. They further undertake that any personnel of the Indian Defence Services who may be sent abroad for military training shall be sent to military training establishments in the territories of His Majesty.

13. The Indian Government recognises the right of His Majesty's Government to maintain British troops under its sole control in India in order to fulfil its obligations for the protection of such Indian States as may not become members of the Indian Union or, in joining the Union, may not abrogate their claim on the Crown for protection as promised by treaty. The Indian Government further agrees to allow British troops the right of free transit across any territory under their control to the territory of a non-adhering State where their presence may be required.

Note:—The following matters are suggested for inclusion in sub-clauses of the above main heads of the *Defence* Section and/or in a supplementary agreement:—

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(a) A definition of the tasks both in peace and war of the forces loaned by one party to the other under 11 above, and the circumstances in which these forces may be used.
(b) The system of command and administration of these forces.
(c) Civil and criminal jurisdiction over these forces.
(d) Safeguarding of the rights of existing British Service and civilian personnel paid from the Defence estimates in India.
(e) Assumption by the Indian Government of liability for the pensions of retired personnel of the Indian Defence Services and their dependants.
(f) Safeguarding of the rights of any British Service and civilian personnel who may in the future be lent, attached or seconded to the Indian Defence Services under 12 above.
(g) Overseas allowances and conditions of service generally of the forces and personnel lent to the Indian Government under 11 and 12.
(h) Liability to taxation (e.g. Central, Provincial and Local) of such forces and personnel.

III. Indian States.

(See also 13 above)

14. The Indian Government will undertake to discharge to non-adhering States such obligations as, after negotiation (presumably in the constitution-making body) between British Indian negotiators and Rulers, they may have taken over from the Paramount Power in respect of fiscal and economic matters. (*Note.* This is intended to cover the arrangements which will have to be made for replacing the existing agreements between the Government of India and these States in respect of customs and central excises, railways, cantonment areas, salt, posts and telegraphs, currency, etc.)

15. In the case of States which adhere to the Indian Union, the British Crown may continue to exercise its present powers in respect of personal and dynastic matters e.g. decision of disputed successions, minority arrangements, grant of salutes, titles and dignities. For this purpose the Crown may maintain in India a Political Service to conduct relations with States which have adhered to the Union as well as with non-adhering States.

IV. The Civil Services.

16. All officers still serving who were appointed by the Secretary of State shall be granted appropriate compensation for the termination of their appointments under the Secretary of State.

17. Retired officers who were appointed by the Secretary of State shall continue to receive from Indian revenues the pensions granted to them on retirement or be given equivalent lump sum payments.

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18. Dependents of officers appointed by the Secretary of State shall continue to receive, or in due course be granted, the pensionary benefits to which they are entitled, or alternatively be given, either immediately or on the death of the officer as the case may be, a lump sum equal to the capitalised value of those benefits.

19. The exemption from Indian taxation which was granted by Section 272 of the Act of 1935 (viz. in respect of pensions paid from Indian revenues to persons living permanently outside India) shall continue to be enjoyed in such cases, if any, as may be appropriate.

V. Protection of minorities.

20. His Majesty's Government declare their solicitude for the protection of the racial and religious minorities in India; and they recognise and take note of the obligations assumed by the Indian Government for this purpose. (*Note.* The second part of this clause of course assumes that the constitution framed by the constitution-making body will contain a Declaration of Rights or other appropriate provision for defining and protecting minority rights. The relevant passage from the constitution might be reproduced in an Annex to the Treaty, to which this Article would then refer).

VI. Finance.

21. The Indian Government accepts full liability for all the financial obligations of its predecessor, and for implementing the provisions of all contracts by which the latter was bound at the time of transfer.

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Field Marshal Viscount Wavell to Mr Attlee (via India Office)

Telegram, L/PO/4/28: ff 66–7

MOST IMMEDIATE NEW DELHI, *24 February 1946, 4.50 pm*
Received: 24 February, 1.25 pm

455–S. Following personal for Prime Minister from Viceroy.

1. Full information of events has been telegraphed home from here and Bombay and there seems no use in my recapitulating them. Naval mutiny is now under control and, I hope, ended. But rioting by mobs in Bombay is serious and situation is still unstable. It is early yet to attempt appreciation but following represents my judgment up to date.

2. Primary cause of whole trouble is of (sic) speeches by Congress leaders since September last. As I have warned them publicly and privately on many

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occasions, the preaching of violence to an excitable people can only result eventually in disastrous violence, and idea that it can be controlled by words as easily as it is excited by words is an illusion. I am pretty sure that the top leaders of Congress had nothing to do with inciting this mutiny and did not wish it. Gandhi has put out good statement condemning violence. But I think some of smaller Congress fry had a good deal to do with it and probably also Communist agitators.

3. Commander-in-Chief thinks, and I agree, that events do not indicate any inherent rottenness in R.I.N. R.I.N. has not same background as army, proportion of experienced officers and petty officers is very small owing to rapid expansion during war, and number of young and excitable men have been worked on by agitators from inside and outside. There may have been service grievances but I do not think they were serious. Spirit is still probably good if men are well handled. I am afraid that example of the Royal Air Force, who got away with what was really a mutiny, has some responsibility for present situation.[1]

4. I think that personnel of the R.I.A.F. attached to R.A.F. have probably more serious grievances from service point of view than R.I.N. They have, as you know, only become responsibility of the C. in C. India very lately and their conditions of service are being examined urgently.

5. Welfare of army and any legitimate grievances have been under constant review of C. in C. and authorities, I think I can safely say, for whole period of war and since it. I do not believe there is any really serious material (corrupt group) [?cause] for agitation, but unless Indian soldier is paid at same rates as British, which is not possible, agitators may always allege racial discrimination.

6. There will be no victimisation but ringleaders of this deplorable mutiny must of course receive proper punishment. C. in C. proposes to establish fact-finding court of enquiry to determine actual course of events and to recommend a high level committee of enquiry into the causes of outbreak. I agree that this is correct course.

7. So much for the military side. The civil disturbances [?followed] much the usual pattern. There are in Bombay and Calcutta and all large Indian towns (and in the country-side too in a lesser degree) numerous dangerous elements who take immediate advantage of any disturbed conditions to begin rioting and looting. Indian political leaders use these mobs for their own ends, and are then surprised and alarmed that they break out on their own. They are probably being incited at present by left wing Congress and Communists against

[1] At the end of January 1946 brief strikes took place in 12 R.A.F. stations in the East as a protest at the slow rate of demobilisation. Earlier in the month similar repatriation protests had been made by members of U.S. forces stationed in India and elsewhere.

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the intention of more responsible leaders. The issue is uncertain, but I am sure we can control it.

8. By set attitude to I.N.A. trials, Congress and Moslem League have aroused passions which they are now quite unable to regulate. It is impossible to get any reasonable view taken by average educated Indian on this subject. But I am sure we cannot at present (?change) our policy, which is already generous. Sentence of 7 years R.I. on I.N.A. (?officer) who had man suspended from rope and beaten senseless will be promulgated on Monday and may cause further cases of which the results will have to be announced from time to time.

9. The above is (?mentioned) as a personal expression of opinion based at present on information which is necessarily incomplete. It is not meant as a brief for a statement in Parliament. I will cable further this evening or tomorrow morning if anything fresh occurs.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/PO/4/28: f 72

MOST IMMEDIATE NEW DELHI, *24 February 1946, 7.30 pm*
Received: 24 February, 4.10 pm

457-S. Your 3868[1] of February 22nd. Spokesman of War Department stated in Assembly yesterday (1) that general policy in dealing with mutiny would be laid down by Government after consultation with Defence Consultative Committee of Central Legislative [Legislature] (2) that there would be courts of enquiry at various centres held by the service which would make recommendations about conduct of individual men (3) that a full enquiry would be held by a committee into origin of trouble, grievances put forward by men, their reasons for indiscipline, and any allegations against officers.

With last named enquiry members of legislative [Legislature] would be associated.

[1] No. 463.

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Record of Discussions at Chequers on 24 February 1946[1]

L/P&J/10/21: ff 217–22, 236–41

Present

The Prime Minister
The Secretary of State
The President of the Board of Trade
The First Lord of the Admiralty
Sir William Croft
Mr. Turnbull

I. *Programme for the Mission on their arrival.*

1. It was agreed that the Secretary of State would stay two nights with the Viceroy. The First Lord and the President will go direct to M.S.V.'s House.

2. A formal courtesy meeting with the Executive Council should be arranged though it would not be possible to tell them more than in broad terms how the Mission proposed to proceed.

3. In the latter part of the first week the Mission should see all Governors, preferably together. It was recognised that some Governors might be unable to leave their Provinces at a time when ministries were being formed. Sir S. Cripps was particularly anxious to see Sir Francis Wylie.

4. The Viceroy should be consulted as to the order in which the Mission should see Party leaders and other representatives. It was felt that the best programme might be to see, for a preliminary conversation, representatives of the Congress, the Muslim League, the Sikhs and the Depressed Classes and a Chamber delegation preferably of leading Dewans. After this, Provincial Prime Ministers and leaders of Provincial Oppositions would be invited in order of general precedence so far as the election situation permitted. With them could be fitted in other representative people. Mention was made of Mr. Joshi and possibly other representatives of Labour, (it was agreed not to invite M. N. Roy though he might be seen if he asked to come), Sir Tej Sapru, the All-India Women's Conference and the leaders of parties in the Central Legislature. Representatives of the minor minorities, e.g. the Anglo-Indians and the Indian Christians should also be invited. Discussion with the main parties would be resumed after seeing these representatives. Some of the big States, e.g. Hyderabad, would have to be seen separately.

[1] This record appears to have been made by Mr Turnbull. On 27 February he sent Mr Clauson a minute which read: 'This is a note of the week end discussions. If S/S agrees it might be sent to the other two ministers and to the P.M?' On 28 February, Mr Turnbull sent copies of this record to the Private Secretaries to Mr Attlee, Sir S. Cripps and Mr Alexander. L/PO/6/114: f 67 and L/P&J/10/21.

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II. There was some general discussion on the tactics of the Mission. It was agreed that the discussions must cover the whole field simultaneously and that the question of the Executive Council cannot be settled first. Sir S. Cripps considered that the Mission should start with an open mind and should see as many people as possible. The general line with them would be that the Mission wished to hear their views and was there to help them to get together. It was important not to express any opinion on Pakistan at the outset or make any proposal which showed a bias for or against it.

III. Discussion then turned to the draft[2] of the Directive for the Cabinet Delegation. Numerous amendments were made which were incorporated in a revised text.[3] In discussion it was agreed—

(i) That it should be a directive to the Cabinet Delegation and the Viceroy.

(ii) On paragraphs 4 and 5 of the original draft Sir W. Croft pointed out that the Viceroy might not wish the statement in paragraph 5 to be made at an early stage in the conversations because it would weaken the hands of the States in negotiating their own position in a new constitutional structure, and that he might wish the precise terms of any statement to the States to be approved formally by H.M.G. It was agreed after discussion that it must now be adopted as the policy of H.M.G. that the paramountcy system cannot continue in the States when India is independent.

(iii) In the discussion on paragraph 4,[4] the Ministers were definitely of opinion that an independent India must assume responsibility for her own defence, both local and general, and that, although some regional defence arrangement might be made in which H.M.G. would play an important part, British Forces would not be available for internal security.

(iv) In the discussion on paragraph 5 (a)[4] it was agreed that Treaty protection would not be of a kind under which the minorities would be entitled to ask for the intervention of H.M.G. to protect them against an alleged breach. The only sanctions would be the ordinary diplomatic sanctions for enforcing the Treaty, reinforced by ability to take the matter to some International body, e.g. the Hague Court or the U.N.O. Council.

(v) In the discussion on paragraph 5 (g)[5] of the original draft, discussion took place on the question of protection for the Services. The President of the Board of Trade urged that, as this was a list of points on which the Mission must insist even to the point of a breakdown, it was essential that it should envisage that H.M.G. would take over liability for the pensions etc. of those members of the Services who were not in a broad sense nationals of India. He felt this was a subject on which

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the atmosphere might be greatly embittered and that the cost involved would not be worth sacrificing the advantages of a settlement. There was some discussion of the categories to whom this provision might apply. Some difficulty was felt in distinguishing between European and Indian members of the Secretary of State's Services. Doubt was expressed whether some commitment had not been made by the Commander-in-Chief on the instructions of the late Government to protect Indian members of the Armed Services. This point was to be investigated. Some feeling was expressed that H.M.G. ought not to assume this liability. The Secretary of State pointed out that the matter was closely linked with the sterling balances and that we might say to the Indian leaders that if they decline to accept the liability we should reduce the sterling balances by the amount of the extra liability imposed upon H.M.G. It was generally agreed that the rights of the European members of the Services appointed by the Secretary of State must be maintained. Sir W. Croft urged that either it must be decided in the last resort to accept the liability as one which would fall on H.M.G., or a provision must be made in the Treaty. The Prime Minister felt that it would be a mistake to elevate this matter into a major issue and that it should be dealt with as part of the statement under 5 [6] (e). It was eventually agreed that sub-paragraph (g) of the original text should be omitted entirely.

(vi) It was agreed that paragraphs (g) and (h) of paragraph 6 of the original draft were not cardinal points which must be incorporated in a statement. It had already been conceded that commercial provisions would not be made in the conditional Treaty and that this would be freely negotiated. The Treaty of Friendship was designed to cover matters which, with the Dominions, are covered by the Common Allegiance and possibly further matters. In the revised text these matters were covered by a separate paragraph.

IV. *Interim Executive Council.*

1. The Secretary of State raised the question of the Viceroy's Veto. Sir S. Cripps suggested that some arrangement might be come to about this. The Prime Minister considered that interim arrangements must be under the existing constitution and that the Veto must be retained.

2. There was some discussion as to how the interim Council might be formed. Sir S. Cripps thought that equality of Muslim League and Hindu other than Scheduled Caste representation might be feasible provided the

[2] See Appendix 1. [3] See Appendix 2. [4] i.e. of the revised draft.

[5] The reference here and in the last sentence of this para. should evidently be to para. 6 (f) of the original draft.

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Congress were satisfied on the main issues as regards the future. He felt that the most hopeful basis for forming the Council would be provincial. The representations of the two main communities might be chosen from a panel of 22 members formed by each Provincial Prime Minister nominating two persons. 4 Hindu and 4 Muslim League representatives could be chosen in this way to whom could be added 1 Sikh and 1 Depressed Class and possibly one other.

3. The War Membership. It was agreed that this could not be given either to a Moslem or to a Hindu. Sir S. Cripps felt quite sure that it would not be possible to get an Executive formed without Indianising this portfolio, particularly as in 1942 we had urged that this was not feasible during the war. It was agreed that the portfolio need not be retained by the Commander-in-Chief but that in view of the difficulty in present circumstances of it being held by a representative of one of the major communities, efforts should be made to find a suitable Indian incumbent who could be regarded as neutral such as the Dewan of an Indian State or an Indian official or one of the Indian officers of the Indian Army who has risen to a high rank.

The names of Sir B. Rama Rau and Sir V. T. Krishnamachari were mentioned. It was also suggested that possibly one of the two Indian Army officers mentioned by the Commander-in-Chief as persons who might enter the political field might be suitable.[6]

If the War portfolio is Indianised another portfolio will have to be chosen as a key portfolio for the purposes of giving the Moslems and the Hindus two key portfolios each.

V. The India Office was requested to consider the possibility of a confederal solution. The essential principle of this is that the component States are recognised as sovereign and as having an equal voice in the decisions of the confederation. Pakistan, Hindustan, and some of the big States might be recognised as confederal units. The confederal field would be determined by agreement between them.

VI. In the discussion on the final draft Sir William Croft said that he thought there were other things besides those in the draft which would have to be incorporated in a satisfactory final settlement. In particular he urged that a provision would be required in the Treaty by which the Government of India undertook to honour the obligations made by Treaties and engagements with foreign governments either by H.M.G. in respect of India or by the Governor-General in Council. Sir S. Cripps said that it had long been recognised that India was a separate entity for international purposes; that in so far as Treaties or engagements had been made in respect of India as a separate entity it would not as a matter of law be necessary to include any such provision. The new

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Government of India as the successor government of the old would without any question incur these obligations and no one would expect H.M.G. to take any special steps to secure that they were honoured by the new Indian Government. As regards Treaties contracted by H.M.G. in respect of India, any obligation which H.M.G. had incurred and which they could not discharge in the changed circumstances would naturally be regarded by the other contracting parties as incapable of execution when H.M.G. had surrendered authority in India and these parties would naturally expect to have to negotiate anew with the new Government of India on the matters in question. Sir William Croft suggested that the distinction was between governmental agreements between the Government of India and other governments and other engagements which had been signed on the authority of the Crown, and that the latter at any rate remained binding on H.M.G., and that H.M.G. would be brought to account by the third parties if they made no attempt or effort to get these obligations formally accepted by the new Indian Government. The Prime Minister asked what type of obligations these were. The Treaty between H.M.G. and Afghanistan and the Treaty with Nepal were given as instances. Sir William Croft mentioned the Treaty with Kashmir whereby Kashmir had rights of importing goods through British India free of duty. He argued that in such a case the British Government would be brought into great disrepute if it not only allowed the obligation to lapse but made no provision whereby the status quo should continue for a limited period to allow reasonable time for new negotiations. Sir S. Cripps adhered to his opinion that no reasonable person could raise any objection if we said we were no longer liable owing to change of circumstances. Ministers were not disposed to include this item in the list of other essential points as then advised.

Appendix 1 to No. 468

DRAFT OF DIRECTIVE OF CABINET DELEGATION BY SIR STAFFORD CRIPPS[7]

TOP SECRET

It seems to me that we should aim at a directive in the following sort of form.

"You should do your utmost to secure an agreed settlement upon the Indian Constitutional Settlement not proceeding upon any fixed or rigid preconceived plan but discussing and exploring all the possible alternatives.

You are authorised to come to an arrangement with the major political parties (i.e. Congress and Muslim League) and the Government will be prepared to implement the arrangement so come to.

[6] The names of the persons mentioned by General Auchinleck are not known.

[7] The original of this directive in Sir S. Cripps' hand is on L/PO/6/114: ff 96–8.

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While paying every attention to the claims and anxieties of other minority parties and doing your utmost to obtain their consent to the eventual agreement you should not allow any arrangement to break down because of their objections if it has the approval of the two main parties.

The Indian States must if possible be brought into any scheme but in the last resort it may be necessary to leave over the form of their eventual participation and to proceed upon the basis of British India alone.

In negotiating the situation with the Rulers of the States you should make clear to them that the whole position as between the Paramount power and the States must of necessity be altered by the granting of independence to British India.

You have liberty to arrive at any arrangement for the granting of independence and self-government to India provided that the following cardinal points are incorporated in it:—

(a) Some form of protection must be included either in the constitution or the Treaty for the protection of religious and racial minorities.
(b) Satisfactory provision must be made for the Defence of the South East Asia Area.
(c) No British Service personnel must be placed under exclusive Indian control except in accordance with strictly defined Treaty terms.
(d) Paramountcy must not be handed over to an Indian Government.
(e) A satisfactory means must be devised for winding up the financial and commercial position of India and Great Britain arising out of the present regime.
(f) No extra financial burden must be imposed upon Great Britain as the result of the transfer of power except in cases arising out of the termination of employment of British Nationals in India.
(g) A Treaty of Friendship should be entered into between the two countries at an appropriate time.
(h) A Commercial Treaty should similarly be provided for."

Appendix 2 to No. 468

REVISED DRAFT OF DIRECTIVE FOR THE CABINET DELEGATION AND FOR THE VICEROY

TOP SECRET

1. In pursuance of the policy laid down by the Governmental declaration of 1942 and subsequently elaborated, your purpose is to secure agreement amongst the Indian leaders as to the method of arriving at the new constitutional structure for India and the method of government of India during the transitional period before the new system of Government comes into operation. You should

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discuss and explore all possible alternatives without proceeding upon any fixed or rigid pre-conceived plan.

(Note:— As regards government during the interim period it was agreed:—

(a) that the Viceroy's veto must be maintained;
(b) that the war membership need not be retained by the Commander-in-Chief, but that in view of the difficulty in present circumstances of this post being held by a representative of one of the major communities, efforts should be made to find a suitable Indian incumbent who could be regarded as neutral, such as a Diwan of an Indian State or an Indian official, or one of the Indian officers of the Indian Army who has risen to high rank.)

2. You should pay every attention to the claims and anxieties of minority parties, and do your utmost to obtain their consent to any final agreement. But you are authorised to come to an arrangement within the terms of this Directive with those whom you consider to represent best the views of the major political parties and provinces, and the Government will be prepared to take the necessary steps to give effect to the arrangements so come to.

3. It is clear that the whole position as between the Paramount Power and the States must of necessity be altered by a change in the status of British India. Therefore the Indian States must if possible be brought into such an arrangement, but in the last resort it may be necessary to leave over the form of their eventual participation and to proceed upon the basis of British India alone.

4. It should be made clear to the Indian leaders that whatever arrangements are made under the United Nations whether regionally or otherwise between Great Britain and India for the defence of India against external aggression, British Forces will not be available for purposes of internal security when the new system of Government is fully in operation. Any individual British Service personnel who serve with the Indian Forces will do so on a contractual basis.

5. You have liberty to say that His Majesty's Government will be prepared to recommend to Parliament any constitutional arrangement for the granting of independence and self-government to India, provided that it incorporates the following cardinal points:—

(a) Some form of protection must be included either by constitutional or treaty provision for the protection of religious and racial minorities.
(b) Satisfactory provision must be made for the defence of the South East Asia area.
(c) Paramountcy must not be handed over to an Indian Government.
(d) A satisfactory means must be devised for winding up the financial and

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commercial position of India and Great Britain arising out of the present regime.

(Note: It is for consideration which of the above conditions should be embodied in the Constitution itself or incorporated in treaties or agreements entered into between the two countries as a condition of a constitutional settlement or otherwise).

6. It should be understood that negotiations for a treaty of friendship will follow upon the institution of the new arrangements, and also for a commercial treaty if not already negotiated during the transitional period.[8]

[8] Lord Pethick-Lawrence sent Lord Wavell the text of this revised draft directive in his tel. 4-U of 26 February. He omitted the note in brackets at the end of para. 1 and made a slight verbal alteration to para. 6. L/P&J/10/21: ff 232–5. No serious errors were made in deciphering the telegram except that the word 'provinces' in the last sentence of para. 2 was deciphered 'interests'. R/3/1/109.

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Field Marshal Viscount Wavell to Sir H. Twynam (Central Provinces and Berar) (Extract)

I.O.L. Microfilm Reel 2447

SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 40/7 *25 February 1946*

My dear Twynam,

Thank you for your letter of the 9th February, No. R. 3-GCP.[1]

2. Reactions to the announcement about the visit of the Ministers to India seem to have been favourable, but this fact may be quite overshadowed by recent events in Bombay.

3. In view of the present attitude of Jinnah who will not agree to enter the Executive Council before the principle of Pakistan is accepted, I think you may take it that the Ministers will have to negotiate first on the long-term issue, and they will have been at it for more than a month before the first date when your Ministry can take office. The result so far as you are concerned is, I suppose, likely to be either (*a*) that if the Congress are satisfied with the result, you will have a ministry which feels genuinely responsible and will not want to undermine the Services; or (*b*) that if the Congress are not satisfied, there may be no ministry at all and the Congress my [?may] have started a mass movement.

4. This is, of course, guess-work, but from what I know of the mind of H.M.G. I think it is unlikely that you will be in the position of having to resist

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a ministry which is inclined to undermine the Services and is thoroughly distrustful of you and H.M.G.

5. In any case I have [no] intention of suggesting that I or the Governors should abrogate our special powers under the Constitution before a new constitution is framed. I do not think Parliament would accept any such convention since so long as Parliament is responsible, it can only discharge its responsibility through the special powers in the last resort. I am seeing Azad in a day or two and I may have more to tell you on this subject afterwards. I think it may be a good thing to sound him as to whether the Congress will raise embarrassing issues in the Provinces before the discussions with the Ministers at Centre.

6. Thank you for your suggestion that if Jinnah is successful in the Punjab, his demand for two constituent assemblies might be conceded provided he agrees that a third constituent body should be appointed at the same time to explore the possibilities of a treaty of union between Pakistan and Hindustan. This is certainly one of the solutions that will be borne in mind.

[1] No. 417.

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Note by Field Marshal Viscount Wavell

L/P&J/8/525: ff 119–20

NOTE OF INTERVIEW WITH MAULANA AZAD AND MR ASAF ALI ON 25.2.46.

25 February 1946

Azad began by saying that while he agreed that a change of Government at the Centre was not possible at present, it was necessary to establish some body at the Centre dealing with Food which would restore public confidence. I told him that I had under consideration at present the constitution of an advisory body on Food, either by re-constituting the existing Advisory Food Council, and perhaps forming a Standing Committee from it, or assembling some special body to advise the Government. Azad said that this was not sufficient, it would be necessary for the body he had in mind to have executive power over the food in question. I said that this was not possible, so long as the present Government remained, the ultimate responsibility must be theirs, and it was quite impossible for an outside body to have any executive power over one particular Department. After a little discussion, Azad accepted this. He tried at first to insist that the advice of the body must always be taken, but I refused to accept this, as this would in effect amount to responsibility being taken out of the hands of Government. I said that naturally the advice given by an authoritative

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body of outside opinion would be most carefully considered, and that if it was not possible to accept it, full reasons and explanation would be given.

2. I then asked what sort of body Azad had in mind. He obviously had not thought it out, but after a little talk agreed that what he thought was wanted was a body of not more than a dozen persons, in permanent session, consisting of individuals who commanded public confidence, drawn from the various parties and sections of public opinion, together with some experts; the Congress and Muslim League should be represented. I asked him if he had in mind Members of the Legislature, but he said not, his idea was that they should be drawn from outside. I asked whether he had any names in his mind, and after some thought he drew up the name of Rajendra Prasad, but he obviously had not thought it out.

3. He then embarked on a long disquisition about the lack of public confidence in the food administration; and said that food was still being exported from India. He gave me the two attached papers, one containing notes of some quantities that had recently been exported from Calcutta, and the other about the export of ground-nuts, etc. I explained the position about exports, so far as it was known to me, and assured him that he was wrong in thinking that any large quantities of grains were being exported beyond what had already been made public.

4. He then went on to Sind, where he said an all-party Government might have been formed, if the Governor had not prematurely sent for Hidayatullah. He said he was afraid the result would be the fall of the Government early in the budget session. I asked him who was proposed as the leader of his all-party Government, and he said that his idea was that the leader should be chosen by representatives of the various parties. I said that I was doubtful whether Sind politics would work that way, and that I was sure the Governor had done and would do his best to inform [*sic*] as stable a Government as possible. I then said that I was very glad to hear that Azad was in favour of coalition Governments and that I was glad to note that he had tried to form them in Assam and Sind. Had he the same intentions in the other Congress Provinces, the U.P. for example? He said that he would be only too glad to form a coalition Government in the U.P., but that the difficulty was going to be the refusal of Jinnah to admit any other Muslim into the same Government as any of the League; it was this that had wrecked the chance of forming a coalition Government in Assam. The Congress could not accept that no other Muslims could be considered except members of the Muslim League.

5. I asked him how he viewed the situation in the Punjab, and he said that it was going to be very difficult to form a Ministry. He had taken no decision yet as to the Congress course of action but was going to the Punjab shortly.

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6. He then turned to the North-West Frontier Province, where he said there was difficulty about forming a Ministry owing to the alleged partiality of the Governor and officials for the Muslim League. He made allegations of canvassing by both Indian and British officials for the Muslim League, and said he would send me particulars. He instanced one particular case, in which he said the wife of a British official had canvassed in a very clever and subtle manner. I merely remarked that possibly the official concerned was one of those people who were unable to control their wives.

He said that the local Congress felt so strongly about it that a considerable number of them were in favour [of] not forming a Ministry, since they said that the administration would be hostile to them, that many members of it were corrupt, but that the Governor had refused to let Dr. Khan Sahib have them proceeded against for their corruption. I said that I knew the Governor well, and I knew that his relations with Dr. Khan Sahib had been good, I was quite convinced of his impartiality, and that he would not protect corrupt people; that allegations like this had been made continuously throughout the elections by all parties, and that I had even heard allegations about Congress methods. I said that I thought that it would be very unwise if the party which had obtained a clear majority at the elections now refused to take office. Azad and Asaf Ali both said that they agreed, and one or both of them is apparently going to Peshawar to try to deal with the situation.

7. I took this occasion to point out that new governments taking office were dependent on the confidence and morale of the officials and police; and that there could be nothing more fatal to good government than the idea that there would be a "witch hunt" against officials who were thought to have been too friendly with the last Government. Of course cases of corruption that could be proved must be punished, but any Government must be dependent on its Civil servants; and I most sincerely hoped that nothing was going to be done to try and destroy the machine by victimisation. Azad and Asaf Ali both agreed, so I left it at that.

8. They were quite friendly and seemed satisfied. They did not refer to the Bombay riots, the R.I.N., or I.N.A., so I did not initiate any discussion on these.

WAVELL

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/10/21: ff 224–5

IMMEDIATE INDIA OFFICE, *27 February 1946, 12.30 am*
TOP SECRET

4100. Superintendent Series. Following are Delegation's tentative ideas as to initial programme of interviews referred to in my telegram 4101.[1] We should be glad of your comments and advice.

2. We would have a formal courtesy meeting with Executive Council soon after our arrival. We should not be in a position to tell them more than that we propose in the opening interviews to take soundings and explore possibilities. We should, of course, invite your Council's views.

3. We should like if possible to meet Provincial Governors. We realise that it may not be possible for some of them to leave their Provinces while ministries are being formed but we hope that most of them can come over for a night in the second half of the first week.

4. I have had your letter[2] suggesting the desirability of a formal conference but on layout explained in my 4101 I think you will agree that in the first stage we shall do best to see one or two individuals at a time. We should like your advice on precisely whom this should be and the order of the interviews, but these are our provisional ideas:—

(a) Provincial Prime Ministers & Leaders of Oppositions by Provinces in approximate order of importance as far as ministry making permits,
(b) Representatives of Congress,
(c) Representatives of Muslim League,
(d) Representatives of Sikhs and Depressed Classes,
(e) Representatives of Chamber of Princes, possibly Diwans,
(f) Representatives of minor minorities, e.g. Anglo-Indians, Indian Christians,
(g) Other recognised representative persons, e.g. Labour, All-India Women's Conference, Sapru and Jayakar.

5. The last three categories could be interleaved with one another. We would not propose to invite M. N. Roy unless he asks to see us. We may have to see some of the big States' Representatives separately.

At Cripps' Mission some embarrassment resulted from short notice given that particular people would be invited. It seems therefore desirable to work out a programme and give adequate warning on this occasion.

[1] No. 472. [2] No. 446.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/10/21: ff 227–30

IMMEDIATE INDIA OFFICE, *27 February 1946, 1.45 am*
TOP SECRET

4101. Superintendent Series. My telegram 3225[1] of 14th February. I have now had considerable discussion with my colleagues on the Mission and with Prime Minister. My next succeeding telegram No. 4-U[2] contains text of draft directive to Cabinet Delegation and yourself which will be submitted to Cabinet and approved before our departure. We should be glad to have your comments as soon as possible. Document is of course extremely secret and I must ask you to keep it strictly to yourself and to your Principal Private Secretary.

2. Directive has been drafted with an eye to the possibility that at some later stage, certainly not until after the negotiations, it may be necessary for it to be published.

3. As the outcome of my discussions here I should like to give you the following background as to our general approach to the problem. It is not proposed that Cabinet Delegation should come out with the purpose of initiating at once some positive proposal. Our conception is that after discussions with yourself in the first week there would be a preliminary phase in which after conversations with yourself & Governors discussion would take place with Provincial Prime Ministers and Leaders of Oppositions so far as they are then available, with representatives of the principal Parties, representatives of the Princes, and representatives of minorities and others, e.g. Labour. In these conversations Delegation with whom of course you would be joined would take the line that their object is to assist the Indians to find a way to a solution. We should seek to ventilate alternative possibilities with them with a view to obtaining their reactions but should scrupulously refrain at that stage from showing any bias for or against Pakistan. It would no doubt be necessary to indicate publicly that at the outset we were engaged in hearing the different points of view so that premature expectations would not be aroused. I am telegraphing separately to consult you as to the precise people we should see and in what order.

4. You will observe from the Directive that our purpose is to be to secure agreement as to the method of arriving at a new constitutional structure and on the government of India during the transitional period. I am sure you will

[1] No. 431. [2] See No. 468, note 8.

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agree that this should be our first objective though you may think that the prospect of agreement is not very high. We shall in the first phase described above be seeking to find out whether there is any hope of agreement being reached by persuasion and argument and at the same time impressing upon those we meet the sincerity of our purpose and the necessity for compromise. If there appears to be such a hope we should no doubt carry on with the discussions concentrating on representatives of the two main Parties. If, on the other hand, it becomes clear that agreement is out of reach we should in the preliminary phase have had an opportunity of gauging what kind of arrangement would have most prospect of being generally acquiesced in if enunciated by us.

5. Failing agreement among Indians some other means of settling the Pakistan issue must be found. We do not feel able to take a decision on your own proposal until the ground has been tested by the first stage of the conversations, & we shall have to take time to consider our course on this central issue in consultation with you. We have it in mind that if this situation arises we might adjourn the conversations and go with you to Simla for some days to consider the precise course which we should then take. Conversations would then have to follow with the two main Parties in Simla rather than Delhi.

6. Paragraph 4 of the Directive results from our conviction that when the Constitution actually comes into being it will be quite out of the question for British Forces to be placed at the disposal of an Indian Government for internal security purposes. The question of their use in Frontier and external security is one which in our opinion needs most careful consideration and we shall wish to discuss this with you most fully before any promise can be made to Indian leaders.

7. As regards interim Executive we are quite sure that this must be dealt with in conjunction with the main negotiations and not as a preliminary issue. It seems to us as it does to you that the Veto must be maintained and that the Executive must be under the existing constitution. We should like to discuss the question of the War Member with you but if it is to be given to an Indian we see grave difficulties in giving it to a representative of either of the main communities so long as acute issues remain unsettled between them. Perhaps it might be possible to find a suitable Indian incumbent who could be regarded as neutral, e.g. a Dewan of an Indian State or an Indian official or an Indian officer of the Indian Army who has risen to high rank if there is one of the necessary quality.

8. Paragraph 6 of the Directive relates to the situation which will arise if events develop along the lines of paragraph 5 of Directive. It is purposely drawn in wide terms. In our view the Treaty of Friendship will be subsequent

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to and not part of the Treaty entered into as a condition of the Constitutional settlement. A commercial treaty will in any event also be required and this too will be separate from either of the treaties contemplated above.

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General Auchinleck to General Sir M. Mayne (Extract)[1]

L/WS/1/1029: f 146

D.O. No. 80/M–7/46/10 *27 February 1946*

12. As regards the appointment of an Indian civilian non-official War Member of the Executive Council I have no hesitation in saying that I think that the sooner such an appointment is made the better. My present position, when politics come more and more to the front with the result that I am becoming more and more War Member as opposed to Commander-in-Chief, is getting increasingly difficult and bids fair to becoming almost impossible. Hitherto it has been possible to a great extent to look upon myself primarily as Commander-in-Chief and to devote myself practically almost entirely to my duties as such but now the balance is swinging the other way and I am beginning to find myself more and more involved in political questions as War Member. The sooner this situation comes to an end, the better. Personally I think that it should not be at all too difficult to work with a non-official civilian War Member—provided of course that he is a fairly reasonable person. From the political point of view I am sure it will make my task very much easier and I am prepared to accept the situation.[2]

[1] Only the extract printed here is on L/WS/1/1029.

[2] General Mayne sent this para. to Sir W. Croft with a minute dated 5 March. In the course of his minute General Mayne wrote: 'I am perfectly sure General Auchinleck is right. *He* is just managing to shoulder the dual burden. No one else will be able to do so.'

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Sir F. Mudie (Sind) to Field Marshal Viscount Wavell

L/P&J/5/262: f 127

Do. No. 116 GOVERNMENT HOUSE, KARACHI,
27 February 1946

Dear Lord Wavell,

I write in continuation of my reports on the recent disturbances in Karachi.

2. The total casualties from the police firing are now reported as 8 dead and 18 injured. In the firing between the troops and the RIN the casualties, as

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already reported, were 5 RIN ratings killed, 36 wounded and 3 BORs wounded. Fortunately the 4" shells of the Hindustan did practically no damage, though some landed near buildings and others in the Baluch Lines. There were also a number of attacks on buildings on Saturday night, including two police outposts, Grindlay's Bank, two post offices and one revenue department building. No very serious damage appears to have been done. A number of vehicles were also stoned including some belonging to the U.S. Army, the police, the fire brigade and the British Army. One military driver was hit on the head. Some people had their hats and ties snatched off them in the street and burnt.

3. Since Saturday night everything has been quiet except that the assault on Sunday afternoon by some Hindus on Sayed Haroon, a brother of Yusuf Haroon, MLA (Central) and the removal of his hat nearly caused a communal riot. The Muslim[s] who had gathered to avenge Haroon were however persuaded to disperse with the assistance of Sir Ghulam Hussain.

4. The most disquieting feature of the whole affair to my mind is the lack of warning that we had. If Bombay had not blown up a day or two earlier we would have been taken completely by surprise and I have no doubt that the ratings would have marched through Karachi and that, due allowance being made for the difference in size and turbulence of the two cities, the events in Bombay might have been reflected here. I have discussed this aspect of the situation with General Richardson and he agrees with me. Naturally O.C.s Units do not like to confide any suspicions that they may have in the loyalty of their men to outsiders; they naturally hope that they are unfounded and that things will turn out all right in the end. But the present state of affairs is so critical that complete frankness seems necessary. If Your Excellency thinks it advisable to do so, perhaps you could take this up with the Commander-in-Chief.

5. It is difficult to come to a conclusion as to who, if any one, was behind the riots in the town. Fortunately the main Congress leaders were out of Karachi at a party conference. Some minor leaders held a meeting of sympathy with the ratings on Friday afternoon, but it passed off peacefully and they made no attempt to defy the order prohibiting meetings on Saturday. The League took no part and the Ministers backed me completely. The Communists did make fiery speeches on Friday and next day did not cancel their meeting till a fair crowd had collected at the site, under the pretext, which is obviously false, that they did not know of the District Magistrate's order till then. The rioters consisted mostly of Hindu students with a few Muslims. They would listen to nobody. In fact when Ghulam Hussain tried to pacify them they stoned his car. Personally I have little doubt that the Communists were at the bottom of the trouble. The 4" guns of the Hindustan probably convinced the leaders of the other parties that things were a bit tough for them.

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6. But whoever was directly responsible for the riots, the ultimate responsibility must be borne by Nehru, Arun Asaf Ali and all those who have preached violence and glorified the INA. There is an atmosphere about that any attack on Government is a patriotic duty even though the object of that attack is merely to destroy. Nehru has succeeded in communicating his own pathological hatred of the West and his indifference to the consequences of his action to the masses. His latest statement, as reported in the *Statesman* of 25th February 1946, which amounts to this, that he insists that before "other matters" including presumably "Pakistan" "can be thrashed out" an executive with complete power should be set up at the Centre with, presumably, himself, as Prime Minister and his suggestion that a new Constitution might be drawn up and enforced before the end of the year, fulfills my worst fears. Such a programme is bound [to] crash and then the situation, with all the city mobs taught that they must expel us within the year, will be very serious indeed. As far as I know this is not the League programme at all. In fact Khuhro wants to recruit British canal engineers. But the Congress are living in a fool's paradise and I am afraid that their disillusionment will be a nasty business.

7. One advantage of our recent riots is that they have shown clearly that the arrangements for dealing with civil disturbances in Karachi city are very faulty indeed. This is being looked into. Another thing clearly demonstrated is the futility of tear gas even in Karachi, where I was told that it worked. I believe that we might have avoided firing if the police had gone in at once with their lathis instead of using tear gas. I am taking up this with the Inspector General of Police, who likes tear gas.

8. I am very greatly indebted to General Richardson not only for the help that he gave, but also for his management of the RIN trouble in such a way as to give no possible handle to those wishing to create trouble. He could not be accused of using force either precipitously or in excess and the very prompt response that he gave to my request to cordon off the rioters undoubtedly prevented a far more serious situation arising. General O'Connor arrived here just after the RIN affair was over and completely agreed with what had been done.

Yours sincerely,

F. MUDIE

9. *PS.* I have just this morning seen Nehru's statement from Bombay in which he says the first duty of an Indian soldier is to associate himself with the forces fighting for India's freedom, i.e. the Congress, that it is not a breach of discipline for an Indian soldier to refuse to quell riots. It seems to me, and I am sure it is intended to be, an incitement to mutiny. In today's *Sind Observer* there is a news item that a number of Indian Army men are in detention for refusing to take action against RIN mutineers. This is absolutely false and I have reason

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to believe that the Editor knows it to be false. It is either an example of wishful thinking or a deliberate attempt to spread alarm or to encourage those in the Indian Army who might be inclined to such action.

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Cabinet Delegation to India. Paper C.D.I. (10)

L/PO/6/114: ff 221–2

Note by Lord Pethick-Lawrence

INDIA OFFICE, *27 February 1946*

I circulate for information an extract from a recent report from India summarising a scheme put forward by Mr. Gandhi for a constitution for a free India.

P.-L.

EXTRACT FROM REPORT FROM INDIA

The latest step in the propagation of Gandhi's constructive ideas is the recent publication of a brochure entitled *Gandhian Constitution for Free India*, by S. N. Agarwal, who was also the author of the "Gandhian Plan" for India's economic development. Gandhi himself has authenticated the brochure in a foreword. In brief, Gandhi envisages one decentralized system of administration for the whole of "Free India" founded on village, district, provincial and all-India panchayats, with the village panchayat, elected by adult suffrage, as the basic unit. The all-India panchayat would consist of a voluntary federation of Provinces and States and would exercise control over defence, economic co-ordination, management of key industries, currency, customs and international trade, and foreign policy. Residuary powers would remain with the federating units. The scheme contemplates a fresh delimitation of Provinces on a linguistic basis and proposes joint electorates, with reservation of seats, and the right to contest additional seats. It provides for a fair share for all communities in public services, as a permanent solution of the minority problem. Pakistan is rejected on the ground that the division of India into two or more separate States will virtually mean national suicide. In derogation of his firm belief in non-violence, Gandhi concedes that "Free India" may require a defence force but he thinks that this should be "mainly in the nature of a national organisation of guardians which will be very different from the present Police force".

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Lord Pethick-Lawrence to Sir S. Cripps

L/P&J/10/38: f 40

PERSONAL AND CONFIDENTIAL INDIA OFFICE, *27 February 1946*

My dear Stafford,

I enclose a copy of a telegram[1] I have had from the Viceroy in which he asks whether you and I and Albert would care to stay with him a day or two on our arrival. You said at Chequers that you were not anxious to do this but I rather hope that now that this invitation has come you will agree to stay two nights. I think it is important to maintain very close relations with Wavell. We shall want in the first week to bring him round to an approach to the problem which differs a good deal from what he has been contemplating. It would certainly be widely noticed in India if you and Albert did not stay with him and I did,[2] and I do not want any idea to get around that we have come out to take things out of his hands. After all, he will have to implement the outcome of our work and so far as possible I would like him to be and to appear to be acting with us in all that we do.[3]

PETHICK-LAWRENCE

[1] 476-S of 26 February. L/P&J/10/38: f 44.

[2] It had been agreed at Chequers that Lord Pethick-Lawrence should stay with Lord Wavell on arrival, but that Sir S. Cripps and Mr A. V. Alexander should not; see No. 468, section I, para. 1.

[3] The same day, Lord Pethick-Lawrence wrote to Mr Alexander to ascertain whether he would be agreeable to accepting the Viceroy's invitation. Mr Alexander (who had expressed no strong view on the point at Chequers) replied on 28 February that he would certainly have no objection to accepting the Viceroy's invitation. *Ibid.*: ff 39, 41.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/23

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI, *27 February 1946*

Thank you for your letter of the 15th February.[1]

2. We have had a disturbed week with the R.I.N. mutiny and the serious riots in Bombay. I am sorry the Prime Minister did not get immediately the information he and you required in order to answer questions in the House. The affair started off as a service matter and I told War Department to send

[1] No. 436.

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in the situation reports. The first one was given too low a category, but even so, was badly delayed. After the first two days, the trouble became one affecting security generally and the Governors of Bombay and Sind started sending you telegrams.

All these disturbances are undoubtedly due in a large degree to the freedom of speech permitted to the political parties and the press during the elections and to the abuse of that privilege that has occurred. A spirit of violence and hatred has been engendered by the inflammatory speeches and articles in the Press, and these disturbances are the natural consequence. In addition of course there is the legacy of "strikes" inherited from the American Army and the R.A.F.[2] And finally, the hero worship of those I.N.A. officers who were convicted and released has almost put a premium on indiscipline.

The Congress and the Muslim League dissociated themselves at a fairly early stage from what was taking place, but the Communists seem to have fanned the flames, and Home Department are examining the extent of their responsibility and will make recommendations. So far as I can judge at present, the Police in Bombay did very well in face of a most dangerous situation.

There have been, I think, three reports in all of small elements in the Indian Army refusing duty, but these incidents have been in technical services. On the whole the Indian Army has been most commendably steady, but one could not be sure that another series of incidents of this kind would leave the Indian Army untouched.

We shall have to be firm with the ring-leaders of the R.I.N. mutiny, and I think Auchinleck and Godfrey are convinced of this.

The scope of the disturbances in Bombay and the very serious threat to property have, I am sure, alarmed a good many in the Congress and the Muslim League, but such alarm has a very short-lived effect on the language used by politicians, which I fear is likely to be as bad as ever before the elections are finished in the Provinces. The Calcutta riots, for instance, had a sobering effect but only for a short time.

3. I know you recognise what risks we are running in order to keep open the possibility of successful negotiations when you and your colleagues come to India. I know that there are many experienced officials in this country who think that our policy is so weak as to lead inevitably to loss of control. It remains to be seen whether the political leaders and the Press will give us the chance that we are working for. This week I have seen Azad and T. K. Ghosh, the President of the All-India Newspaper Editors' Conference, and I have put the point to both of them. Ghosh, whose paper is a particularly virulent anti-British one as a rule, took what I said quite well, but I cannot guarantee that I made any permanent impression on him. It is difficult to take these people really seriously. Ghosh began by asking my help to get more newsprint and

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machinery for his paper. I put it to him whether he thought it at all odd to ask me for what amounted to wider scope for abusing my Government and my nation; but he said no, that without such help he might have to stop or restrict circulation, and he was sure I would see the necessity to help him. When I spoke strongly about the damage to India's cause that all this incitement to violence did, he said he realised this but "we were very disappointed at the failure of the Simla Conference, you know", as if this excused all things. He justified a headline extolling the "gallantry" of the mutineers, by saying "it was not a top headline". Finally, he told me he was taking a delegation to the Empire Press Conference next May. I remarked that I was glad to know that the Indian Press had decided to remain in the Empire. He was quite friendly, and I really do not think these sort of people realise their responsibility for the harm they do.

4. My talk with Azad went quite well.[3] He and Asaf Ali, who came with him to interpret, were both quite friendly and reasonable. I enclose in this bag a note of the discussion. I am getting urgent advice on the constitution of some form of Food Committee which would include representatives of the political parties, and I am glad that the Congress are prepared to co-operate. This is perhaps further evidence that they feel they probably made a mistake over refusing to participate in the delegation to London and Washington. I thought that Azad looked put out when I told him of the good impression the delegation had made in London.

5. You will see from paragraph 7 of the note on the interview with Azad that I mentioned how much I hoped that Congress Ministries would not victimize officials. I have sent you a letter[4] from Wylie in which he asks for definite instructions on what line he should take if this is raised by his new Ministry in the United Province. The United Province is the most likely Province for this to happen as there undoubtedly was some harsh repression by officials and a lot of ill-feeling has been worked up about it by Nehru in his speeches. Wylie thinks, and Thorne agrees with him, that we cannot possibly give way on this point, which would clearly involve the Governor's special responsibility. This is probably the most difficult issue that will arise between Governors and their Congress Ministries. Nehru made a statement recently which was fairly conciliatory on the point, but there is clearly a possibility of trouble here. Other issues such as the release of political prisoners and the formation of Coalition Ministries are comparatively easy.

6. In the Punjab, as you know, the Muslim League have won a very large proportion of the Muslim seats—75 out of 88. On the other hand, unless the Muslim League can secure support from other parties, they cannot form a

[2] No. 466, note 1. [3] No. 470. [4] No. 447.

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Ministry. There is a lot of talk going on about a coalition between the League and the Akalis or between the Unionists, the Congress, and the Akalis. Either possibility seems almost equally unlikely and I fear Punjab politics will be much less stable than they have been since 1937. It is sad that such a creditable period of Ministerial administration should have ended with so little prospect of a stable government. Whatever the faults of the Unionist Party, they did a good job of work for the agriculturists in the Province, they supported us staunchly in the war, and they did not let down their officials: perhaps most important of all, they did not base their policy on communal considerations.

7. I have seen reports of the good reception our delegation had in London, and I am grateful for all that you and your officials did to help them and to press India's case. I am glad Hutchings made an impression; he is a valuable officer and we shall be glad to have him back here. We have had some rain recently in northern India which should prevent further deterioration, at any rate in some areas, of the wheat crop.

8. In paragraph 3 of your letter of the 15th February, you mention the subject of political prisoners and the possibility of a general amnesty. This has crossed my letter of the 18th February,[5] in which I have mentioned the subject in paragraphs 6 and 7. I will write to you again when I have received Governors' views.

[Para. 9, on the proposal to impose a cess on oilseeds crushed in factories in India, omitted.]

10. In your letter of the 4th January[6] you raised the question of the legality of action by the Centre, by use of their import control powers, to regulate the establishment of new industries after the revocation of the promulgation of emergency. This is being examined and I will let you have an answer soon. Several departments are concerned, and when the Assembly is in session the effect of the under staffing of our secretariat is particularly noticeable; it is impossible to eliminate delays altogether.

[Para. 11, on the labour situation on Indian railways and in the posts and telegraphs department, omitted.]

12. Talking of strikes, I am warned of a possible strike by the miners *against* the reimposition of the ban on women working underground in the mines!

13. My visit to Patiala only lasted a little over 24 hours, as I had to come back because of the situation in Bombay. Patiala seems to be doing quite well, and has a charming and sensible wife who I believe has a considerable influence over him. I presented Colours to a regiment, opened a Soldiers Club, and inspected an agricultural and industrial exhibition during the short time we were there.

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14. If you have anything to tell me about increased allotment of passages for civilians, would you be good enough to telegraph? As the hot weather approaches, our waiting list goes up and up and many families who will now be disappointed of passages have nowhere to live in the hills.

We discussed the matter of passages for the Indian cricket team in Council last week. Home Member proposed to offer them troop-deck accommodation, but I am sure that this would raise an outcry and charges of racial discrimination, since a large section of the Indian public takes great interest in cricket and pride in Indian cricketers. Council agreed that we could not offer them troop-deck, but hoped that air passages could be found, to avoid our breaking our priority rules and disappointing people who have been waiting so long.

15. I have not heard anything recently about the plans of the British Council. I believe that their future is in some doubt, and so far as my information goes, there was a Committee sitting on the subject. If they are to continue, what do they propose to do about India? I have always thought that there is useful work for them to do here, especially if we can have a U.K. High Commissioner who can take such people under his wing. I would see no harm in a visit to India by Gillan or someone of that sort in order to make contacts. I do not mean that we want a whole series of these exploratory missions for their own sake. The object would be to come for a short time and decide that there is a job to be done here and that it can be started at once.

16. What has happened to the U.K. High Commissioner, by the way, is he "spurlos versunkt"[7] in Whitehall?

[5] No. 442. [6] No. 331, para. 12, second sub-para.
[7] A rendering of the German phrase 'spurlos versenkt', meaning 'sunk without trace'.

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Sir J. Colville (Bombay) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/167: ff 158–62

CONFIDENTIAL GOVERNMENT HOUSE, BOMBAY,
Report No. 58 *27 February 1946*

The mutiny of the R.I.N. and the consequent disorders have been much the most important happenings of the last fortnight.

2. On Monday evening 18th February I heard from Admiral Rattray of a so-called strike which had taken place in H.M.I.S. "Talwar", the Signal School. The men objected to the alleged behaviour of their Commander, and refused

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to take food. No disturbance occurred during the night. On the following morning a number of the ratings from "Talwar" left their barracks, and went to Castle Barracks and Fort Barracks, in order to bring out the ratings there in sympathy. In the course of the morning a large number of ratings from all these establishments got out of hand, and ran about the Fort area, some of them carrying hockey sticks. There were several cases of violence and mischief in this area, but in about two hours the police were able to restore order. The damage done was not very great, but it caused considerable alarm among the European community, as this area has so far been free from disturbances. The ratings seized a number of military trucks—I believe they were mainly R.I.N. trucks from their own barracks—and drove round the town shouting slogans. I saw two of these trucks myself. The men in them did not seem to be in a dangerous mood, and were laughing and waving to every one. They were, however, completely out of hand.

3. At 2.30 on Tuesday 19th I called a meeting at Government House consisting of Admiral Rattray, General Beard, the Area Commander, Bristow, my Adviser, and Butler, the Commissioner of Police. The Admiral told me that full reports had been made to higher authority, and he admitted that he was unable to cope with the situation from his own resources. The men had so far offered no violence to their officers, but they would not obey them. A few officers and many petty officers were out with the men. It was clear that it was a mutiny on a considerable scale, and that, in addition to the Naval establishments in the city, the ships in the harbour, of which there were 22, were also affected, as well as shore establishments outside Bombay. We took stock of the position, and it was agreed that it was a matter for the troops to deal with, supported if necessary by the armed police. The military situation has been fully reported on by General Beard through Army channels, so I need not go into much detail, but roughly the position on Tuesday was that the forces at the Area Commander's disposal consisted of a half battalion of the Leicester Regiment and one Maratha battalion. There was a danger that the mutineers might arm themselves from the armouries at Fort and Castle Barracks, and the first steps were to secure these arms. It was realised, however, that the arms on the ships in the stream could not be secured without the aid of boarding parties. It was obvious from the situation disclosed that strong reinforcements were necessary, and General Beard undertook to ask for these. So far there had been almost no reaction in the city, except some natural alarm in the Fort area.

4. I received a call from the Chairman of the Chamber of Commerce and of the European Association, and also from the American Consul, the latter complaining about a flag incident.

5. The only incident reported during the night was an attack on the vital communications room of Castle Barracks. This was driven off by a R.N.

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Party which was in charge. No serious casualties occurred, and so far as I know no arms were used.

6. On Wednesday the 20th General Beard informed me that he had received instructions to round up the mutineers, and contain them in their barracks. This was done on Wednesday afternoon, mainly by the Maratha battalion, assisted by a party of armed police. Admiral Rattray issued orders, which were broadcast round the town by loudspeakers, that all ratings must be in barracks at 3.30, and any found out in the streets after that would be arrested. The majority went back quietly, and under a hundred were arrested in the streets. Admiral Godfrey arrived from Delhi that evening. Late on Wednesday night it was reported that some of the mutineers attempted to break out from Castle Barracks, and again on Thursday morning that another attempt was made, and for the first time firing took place between the mutineers and the military guards, the mutineers having obtained arms from the crews of the ships who had sent parties ashore through the Dockyard. At about noon on that day Thursday 21st Admiral Godfrey informed me that a message had been received from the ships that they were raising steam and manning their guns, and were prepared to open fire unless the military guards round the barracks were removed. This created an ugly situation, as several of the ships have powerful guns, including two 4-inch quickfiring guns on H.M.I.S. "Narbada." It was agreed that in no circumstances could the military guards be removed or any parleys be entered upon under threat of force, and Admiral Godfrey broadcast at 2.30, while in the meantime every effort was made to secure reinforcements, including guns and bombers. By 5 o'clock that evening General Beard reported to me that the bombers had arrived at Santa Cruz, and that a regiment of 25-pounder guns, 2 British infantry battalions, and an armoured car would be in later in the evening. He had also been able to man two 6-inch fortress guns. I then felt that the position was reasonably secure. General Lockhart arrived that evening, and took over full command. Meanwhile, Naval reinforcements were on the way, including the cruiser "Glasgow", but were not expected to arrive till Saturday.

7. There were signs that the city, which had hitherto been quiet, was likely to be subjected to disturbance. The Congress leaders had decried any share in the mutiny, and had advised people to preserve order. I received a message from Vallabhbhai Patel to this effect on Thursday, together with an offer to do anything which he could to prevent bloodshed. Mrs. Aruna Asaf Ali had been attempting to fish in troubled waters, but had received no encouragement from Vallabhbhai Patel. An order had been served on her debarring her from taking part in public meetings. It was reported by the police, however, that Congress Socialists and Communists were busily stirring up trouble, ostensibly in sympathy with the mutineers, and that we might anticipate strikes and

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outbreaks over the week end. Late in the night on Thursday 21st trouble broke out, and rowdy sympathisers smashed windows and burnt vehicles. The police had to fire to disperse them. On Friday morning the 22nd widespread trouble broke out, ostensibly in sympathy with the R.I.N., though against the advice of both Congress and League leaders. A *hartal* was organised by Communists and students, and hooligan elements ready to join in whenever trouble appears combined to make a very difficult situation for the police in several quarters of the city simultaneously. Almost all the mills came out, and looting and burning was widespread. The police had to open fire, and called on the military for assistance. A battalion went to their help at about 11.30 a.m., and by the evening two battalions were deployed. At a number of places the mob offered determined resistance, erecting road blocks and covering them from nearby buildings; any one who tried to clear the road block was stoned. Business in the European quarter of the city was affected, and banks were closed at mid-day. The trouble moved to the congested area in the centre of the Island, and, to a lesser extent, to the mill area of the north. Curfew was imposed over a considerable area, but outbreaks of trouble took place in more than one district during the night.

8. On this day I received calls from Mr. Chundrigar, Provincial head of the Muslim League, and Mr. S. K. Patil, Secretary of the Bombay Provincial Congress Committee, both of whom assured me of their anxiety to allay the disturbances, and offering the help of volunteers to assist the police. I saw several of these volunteers on the following days, and they did useful though limited work. It is not possible for them to deal with wild mobs who will only respond to force, but they can have a calming effect when the worst of the trouble has begun to die down. I also had a call from the Mayor who summoned his "Peace Committee." This committee was formed by him some months ago during the communal riots, and is representative of various sections of the community. Though not very influential, it can make a useful gesture.

9. On Friday night the military position was still the same, the R.I.N. mutineers being all surrounded and offering no resistance, but not having surrendered or returned to work. All the ships flew "cease fire" flags.

10. Saturday 23rd was a day of considerable rioting and violence, particularly in the mill area in the northern part of the city, but the situation became easier in the evening, and trouble was localised in one or two spots. All the main business area was relatively quiet. Three battalions were out in aid of the civil power, and it was necessary for them to open fire on several occasions. By night, however, quiet had been restored, and the curfew worked effectively. A large number of hooligans had been rounded up by the police and the military. Over 1000 arrests have been made, and a number will be tried for rioting and looting.

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11. The R.I.N. mutineers obeyed instructions to hoist flags of surrender, and by evening their surrender was being peacefully implemented. The night passed with only one or two small incidents.

12. I had an extensive tour round a large part of the affected area on Sunday morning, and it was evident that confidence was returning, and people were beginning to go about their normal affairs. A large number of troops was still on guard. By mid-day road blocks had all been removed, and traffic, with the exception of trams and buses, was running. On Monday 25th nearly all the mills resumed, and affairs returned rapidly to normal.

13. The civilian casualties up to date amount to 228 killed, and 1,046 injured, of whom 658 are still in hospital. Twenty-four police officers and 67 men were injured, and 3 constables were killed. I do not yet know the Service casualties, but I believe they were light. The total damage is not yet estimated, but includes looting or destruction of 9 banks, 30 shops, 10 post offices, 10 police chowkies, 1,200 street lamps, and 64 Government grain shops, and a Salvation Army building. The attack on the grain shops shows the complete irresponsibility of the mob. I am glad to say, however, that about half of these grain shops have been able to reopen again. The police behaved very well under most trying circumstances. It was indeed fortunate that so large reinforcements were quickly available, otherwise the disturbances would have taken much longer to subdue. The fact that the city returned to normal so quickly was due, I believe, to the confidence which the presence of the British troops gave. I should like to pay a very sincere tribute to General Lockhart for his ready help and close co-operation throughout. He has kept me informed of all steps, and responded very readily to any request which I made.

14. As you have no doubt seen, Nehru and Vallabhbhai Patel held a meeting yesterday at Chaupatty. Before doing so they asked if permission could be given, as we had imposed a ban on meetings, and indicated that their main purpose was to decry violence and to rebuke those elements who had caused the disturbances. I considered it advisable to allow this meeting to be held, and you will have seen the report in the papers. While some things were said which will not make our task easier, in the main both the speakers, particularly Patel, stressed the folly of disorder and violence. The meeting was large and orderly, and I am clear that it would not have been wise to ban it.

15. It is perhaps too early to assess correctly the lessons to be learnt from all these events, but at this stage I should like to enter my preliminary view that the disaffection of the R.I.N. raises a new and serious situation in the city from the point of view of preservation of law and order. The two shore establishments which mutinied are situated in the south of the city, and the police

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problem, already a difficult one, becomes an almost impossible one if the loyalty, or at any rate the good behaviour, of these forces cannot be counted upon. I therefore most earnestly urge, whatever administrative action is taken following on the enquiry, that these two establishments, as well as other R.I.N. establishments in Bombay city, should either be pruned down to small numbers or moved to stations outside the city. At present they contain, I believe, about 5,000 men. They are not all armed, but they have access to some arms. I trust that I shall be kept in close touch with the results of the enquiry, and consulted in so far as the location within the city area of Naval establishments is concerned.

16. The other lesson which is evident is that it is essential that at least one British battalion should be stationed in Bombay.

* * *

23. *P.S.*—Since dictating this I have seen S. K. Patil, who asked for an interview to convey a message from Vallabhbhai Patel. This was to express a hope that there would be no victimisation following the R.I.N. mutiny, and that leniency would be observed. He went on to say that Nehru had come to Bombay on the invitation of the more fiery members of Congress, and against the advice of Vallabhbhai Patel. He had, however, been restrained from inflaming the situation, as on arriving here he had been impressed by the necessity for curbing the wild outburst of violence which had taken place. Now that the city was quiet again, there were many elements who were anxious to exploit the R.I.N. case, and represent the ring-leaders as martyrs. Vallabhbhai admitted that indiscipline must be punished, but he hoped not heavily, and hinted that the main punishment should be immediate discharge. I told Patil that this was not a matter in which I could in any way intervene, as it was entirely for the Commander-in-Chief, and that I could not accept the view that no victimisation meant no punishment for any one. On this he appeared to agree with me, and went on to talk of other things. I pass this on for what it is worth. It is clear to me that local Congress leaders here are distinctly anxious about the position, and are convinced that the Communists are intent on working up a state of chaos. Whatever Congress plans may be for concerted movement later, I believe they do not want trouble just now, and feel that they are in danger of losing grip on their Left Wing.

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Sir G. Cunningham (North-West Frontier Province) to Field Marshal Viscount Wavell (Extract)

L/P&J/5/223: ff 152–3

CONFIDENTIAL *27 February 1946*

Report No. 4.

3. Our elections were completed last week. Congress have won 30 seats on their own ticket, out of a House of 50, and they will certainly be joined by one of the two Independent Muslims, and probably by both. So they have a safe majority. They have actually got more than 50 per cent of the Muslim seats: 19 on the Congress ticket, plus 2 probable Independents, to 17 Muslim Leaguers. I have felt, ever since canvassing began in October last, that the Muslim League were unduly optimistic as to the result of the elections. But everyone, I think, has been surprised that they have succeeded in only 17 constituencies.

* * *

5. The reasons for this failure are rather difficult to define. It has been commonly said, at least by the Muslim Leaguers, that if Congress had not been in office they would not have got more than a dozen Muslim seats. The argument is that they have ways of pleasing people by giving concessions regarding distribution of cloth, sugar, etc. I think that this is an excuse rather than an explanation and, even if it were partly true, it is balanced to a great extent by the undoubted fact that most of the Muslim officials in superior appointments favour the Muslim League. Indeed, Dr. Khan Sahib has complained a good deal (in my opinion, without justification) about the exertion of unfair influence by these officials. The two reasons for the failure of the Muslim League are their bad organisation and internal faction-feeling. There is also the fact that the Congress appeal, though not particularly constructive, was more intelligible to the masses than that of the Muslim League. They have made certain economic promises, and it seems that people have forgotten that the Congress Government of 1937 did the same but were not able to carry them out. In addition to this, Congress speakers have represented the Muslim League as being inspired by the British Government, which is always an easy gambit for an Indian politician. Also, the Congress deliberately appeal to the less well-to-do, over whom the bigger Khans (most of them on the Muslim League side) are more and more losing their hold in most Districts. In Hazara District only, where the bigger land-holders still have more authority over their tenants, the Muslim League won 8 contests out of 9.

The Muslim League, on the other hand, have talked about little but Pakistan.

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This is not really an intelligible war cry to 90 per cent of their hearers. To the average Pathan villager in these parts, the suggestion that there can be such a thing as Hindu domination is only laughable.

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Chiefs of Staff Committee. C.O.S. (46) 32nd Meeting, Minute 12

L/WS/1/1008: f 81

28 February 1946

Reinforcements for India

(Previous Reference: C.O.S. (46) 31st Meeting, Minute 14)[1]

The Committee were informed that the Prime Minister had minuted as follows on the report[2] which the Chiefs of Staff had submitted to him recommending that the despatch of British reinforcements to India would not be justifiable at present:—

"I agree with the Chiefs of Staff. Unless the situation deteriorates the despatch of troops now might have a bad political effect.

C. R. A.
25.2.46"

The report had been circulated to the Defence Committee, but in view of the Prime Minister's decision, it was not proposed to place it on a Defence Committee agenda.

THE COMMITTEE:—

Took note of the above.

[1] L/WS/1/1008: f 85. [2] See Annex II to No. 458.

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Mr Donaldson to Mr Beckett

L/P&S/12/4641: ff 391–2

TOP SECRET INDIA OFFICE, *28 February 1946*

My dear Beckett,

I have been asked to raise with you the following series of questions which have arisen in the field of External Affairs in connection with the forthcoming discussions by the three Cabinet Ministers with Indian political leaders. As you

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know, the intention is that a settlement should be reached comprising both the enactment of a Constitution for India and the conclusion of a treaty between H.M.G. in the U.K., and the future Indian Government. We have now to consider how much (or, rather, how little) should be stipulated in the draft treaty as an indispensable pre-requisite for H.M.G. undertaking to endorse any Constitution for India evolved by an Indian Constitution-making Body.

2. The questions are as follows:—

(1) Do the treaty obligations of India towards foreign States automatically devolve upon a future Indian Government which succeeds, by regular constitutional means, to the powers now exercised in relation to external affairs by the British Government in India?

(2) Can any distinction be drawn between

(a) such treaty obligations as have been accepted on behalf of, or in respect of, India by the East India Company, the Crown or the British Government (e.g. the various treaties with Afghanistan, Nepal, Tibet, etc.), and

(b) treaty obligations entered into by "India" by virtue of powers exercised by the Governor-General, the G.G. in C., and the Crown Representative, with or without the consent of the Indian Legislature? (e.g. the United Nations Charter and various non-political treaties mainly of a commercial character). If there is a distinction, (as I may tell you is argued by Sir S. Cripps)[1] how would the League of Nations Conventions accepted by, or in respect of, India, fall to be judged?

(3) What difference (if any) does it make if the future Indian Government contemplated in question (1) should be

(a) one of His Majesty's Governments (i.e. if India remains as a Dominion within the British Commonwealth); or

(b) an independent Government of a Sovereign State not owing allegiance to His Majesty but in treaty relations with the United Kingdom?

(4) If the answer to question (1) is in the negative, and if the treaty obligations mentioned in (2) (a) include provisions which H.M.G. in the U.K. deprive themselves of the power to implement (by transferring the power to a future Indian Government), is it essential for H.M.G., consistently with maintaining normal relations with the foreign States concerned, or, if not essential, how desirable would it be, to secure from a future Indian Government as a pre-condition for enacting a new Constitution for India, an undertaking that India will honour those

[1] Cf. No. 468, Section VI.

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obligations until they have been legally terminated or replaced by fresh treaty provisions concluded with the respective foreign States concerned?

3. I have not included in this letter any citation of specific treaty provisions, but I could, if you wish, refer you to those which are particularly in our minds. The matter is, however, of great urgency as the three Ministers will be going out to India soon. I think that, when you have sufficiently reflected on the problem, a meeting to discuss it with Monteath and others would be desirable, before a reply is reduced to black and white.[2]

Yours ever,

E. P. DONALDSON

[2] See No. 528 for the nature of Mr Beckett's reply to the questions in this letter.

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Cabinet Delegation to India. Paper C.D.I. (11)[1]

L/P&J/8/525: f 92

Note by Lord Pethick-Lawrence

INDIA OFFICE, *28 February 1946*

I circulate for information correspondence[2] I have had with the Viceroy about States representation in the preliminary discussions. It will be observed that the Viceroy referred to a Preliminary Conference and this is the conception put forward in his memorandum I.B. (46) 4.[3] In my letter of the 7th February attached I questioned whether we had ever contemplated a formal conference.

In our recent discussions we contemplated seeing people a few at a time in the opening stages. I feel sure that this will be the best procedure and I telegraphed[4] to the Viceroy a tentative programme for his advice and comments. It may well be that if we get agreement or if we have to propound some proposition it will be desirable to have a collective gathering of most of these people at which to expound what we propose.

P.-L.

[1] Cabinet Delegation to India Paper C.D.I. (12) (undated) on 'The Treaty—Defence Provisions' is not printed in the present volume as a note on L/WS/1/1044 indicates it was never circulated to the three Ministers. The main issues raised by the Paper were dealt with in the letter of 1 March 1946 from Sir D. Monteath to General Ismay (No. 486).

[2] Nos. 370, 407 and 446.

[3] See Enclosure 3 to No. 315 which was circulated as Annexure A to No. 337.

[4] No. 471.

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Mr Blaker to Mr Turnbull

L/P&J/10/38: f 38

PERSONAL AND CONFIDENTIAL BOARD OF TRADE, MILLBANK, S.W.I,
28 February 1946

Dear Turnbull,
In reply to your Secretary of State's letter of 27th February[1] about staying with the Viceroy, Sir Stafford Cripps has written, "Right. Let us say two days and no more."

Perhaps you would be good enough to let the Secretary of State know this.

Yours sincerely,
G. B. BLAKER

[1] No. 476.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/P&J/10/21: ff 211–12

TOP SECRET INDIA OFFICE, *1 March 1946*

My dear Wavell,
I spent a hard-working weekend at Chequers with the Prime Minister, Cripps and Alexander. We had a series of long meetings to discuss the Indian question and I have telegraphed the outcome to you.[1] We felt that it was not possible to lay down any rigidly formulated plan. It is true that the Congress and the Moslem League appear to have adopted a very hard and definite position but we must allow for the fact that they are still electioneering and that they may be stiffer in public than they will be in private if they are once convinced that the decisive moment has come. You must bear in mind that my colleagues can naturally devote very little of their time at present to Indian matters and that these matters are less familiar to Alexander than to Cripps and myself. We should like therefore to preserve a fairly open mind until we have had a full round of interviews and have devoted some days to whole-time study and exchange of views with yourself, the Governors and Indian representatives. We may be filled with optimism but we do not despair of narrowing the gap between the Moslem League and Congress even if we cannot close it altogether. At any rate we feel we should start in that spirit and that belief. If one has fixed pre-conceived ideas based on a fundamental disagreement one may

[1] No. 472.

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unconsciously betray the fact and any apparent bias for or against Pakistan might have unfortunate repercussions if displayed too early. Cripps has a mind which crystallizes very hard and he feels I think that he would rather have a period in which to soak himself in every aspect of the matter before we take our decisions.

I hope you will not think that what we have sent to you indicates that we are not prepared to take decisive steps. We are all quite conscious that we shall quite possibly have to deal with a deadlock on the Pakistan issue, and we shall not shirk that responsibility if it proves to be one that we must undertake.

We considered the order in which we ought to see people at the outset and I have telegraphed to you about that also.[2] We were in some doubt whether to see the Provincial Premiers and Opposition leaders first or the representatives of the Congress and Muslim League and we shall value your advice on this. We thought it possible that the Provincial leaders would not be allowed to come unless we had first seen the leaders. I should like at some stage to see Jayakar from whom I have had a friendly letter.

I am most grateful for your invitation to stay. I shall be delighted to accept for the first two nights after our arrival and I am passing on your invitation to my colleagues and will telegraph when I hear from them.[3]

Yours sincerely,

PETHICK-LAWRENCE

[2] No. 471.

[3] Lord Pethick-Lawrence telegraphed Sir S. Cripps' and Mr. Alexander's acceptances in tel. 48 of 1 March 1946. L/P&J/10/38: f 26.

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Mr Horace Alexander to Sir S. Cripps (Extract)

L/PO/6/115: f 167

CONFIDENTIAL CALCUTTA, *1 March 1946*

. . . I wonder if there is any chance of your bringing Major Short as one of your advisers. I was rather shocked to find what the attitude of some of the high-ups in Delhi is towards him. Very likely he is not the man for an administrative job. But there is lots of evidence that he has won the undying devotion of many Punjabis of all three communities, especially the Sikhs, and I think there can be no reasonable doubt that he is one of the very few men alive who might help to induce the Sikhs to accept a somewhat unpalatable solution of the Punjab problem. Everyone that I have talked to with knowledge of the Punjab seems to agree that some new provincial frontier is inevitable, and that however it is drawn, it must cut the Sikhs more or less in two. So I don't see how we can afford to lose the help of a man who has unique qualifications for

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persuading them to come into such a settlement. I believe Sir Malcolm Darling strongly agrees with this. Then, I want to say something about Bengal. The situation here is extremely baffling. I do not believe there is a single Muslim Bengali who seriously wants to see either the Province as a whole or the eastern half alone cut out of the rest of eastern India, and attached to a north-west Indian state called Pakistan. The only "Pakistan" that I can picture in East India is a strong Muslim province of east Bengal, with the adjacent territories of what today in [is] Southern Assam, with the fullest cultural autonomy, but bound by close ties of a trading agreement with the predominantly Hindu province of West Bengal. Here, as in the Punjab, there is much to be said for creating new provinces in which the Hindus and Muslims respectively will have assured positions, so that the miserable communal struggle may die down. But Pakistan, as preached by Jinnah, is quite impossible, and would be resisted in the end just as strongly by the Muslims of Bengal as by the Hindus—in spite of the fact that the Muslim League will probably win almost all the Muslim seats in the coming elections. I have just room to add a comment on the coming deputation. It is excellent that you are coming again. All the reasonable people here, and those who are willing to attend to Gandhi, are pretty sure that the Government would not send three of its best men to India for a fairly prolonged term unless it meant business. But I need not tell you that very few Indians are reasonable. Suspicion of British motives is still very widespread, and no doubt it will remain after you have done your best. But I believe the auguries are reasonably good. Both Agatha and I hope to be in Delhi from about the end of March, and we shall of course be willing to help in any way we can. Just before that we both hope to stay for some days with Gandhi. Every good wish for the success of your mission.

Yours sincerely,

HORACE ALEXANDER

I had tea with Mr. Burrows yesterday. I think he is likely to make as good a job of the Governorship here as any man could—better than Casey I daresay.

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Sir D. Monteath to General Sir H. Ismay

L/WS/1/1044: ff 105–7

TOP SECRET INDIA OFFICE, *1 March 1946*

My dear Ismay,

There are certain questions arising in the defence field on which my Secretary of State thinks it would be desirable for the Cabinet Ministers, who are

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proceeding to India about the 18th March, to have the advice of the Chiefs of Staff.

2. You are of course aware that in the "Cripps' Offer" of 1942, His Majesty's Government undertook to implement the constitutional recommendations of the constitution making body contemplated in the Declaration, subject only to certain conditions of which one was that a Treaty should be negotiated between His Majesty's Government and the constitution making body which would "cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands". The Cabinet Delegation shortly proceeding to India contemplate that in any arrangements which may be concluded with the Indian leaders provision will be made for a Treaty, or similar instrument, of the same scope as was contemplated in 1942; and they have therefore been considering what are His Majesty's Government's essential requirements which must be secured by the means of such instrument in any settlement of the Indian problem. One of the requirements which they have listed as essential is that "satisfactory arrangements must be made for the defence of the South East Asia area". I take this to mean not the South East Asia Command area as at present defined, but the whole area of "India and the Indian Ocean" which is, I understand, a term already in use by the Chiefs of Staff.

3. My Secretary of State considers that it would be desirable for the Delegation to have the advice of the Chiefs of Staff as to the defence requirements which should be insisted upon under this head. Though of course the Treaty will not be negotiated in detail until considerable progress has been made in the task of framing a new constitution for India, it is virtually certain that, at a very early stage, Indian political leaders will ask the Delegation what are the main heads which the British Government desires to have included.

4. In considering this matter, it is necessary to envisage the following alternative possibilities of constitutional development:—

(i) that India becomes a fully self-governing member of the British Commonwealth;

(ii) that India ceases to be in the Commonwealth and becomes a wholly independent State.

5. The questions on which my Secretary of State would particularly like to have the views of the Chiefs of Staff in respect of either of the above alternatives are set out below. But I should inform you that, when these matters were recently discussed by the Ministers, they decided that whatever other arrangements might be made with India in regard to defence, British troops must not be at the disposal of an independent or Dominion government of India for purposes of internal security. They would, however, I think be willing to contemplate putting at the disposal of the new Indian Government British

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Forces to serve as part of the Indian defence system, under strict conditions securing to a British authority the control of their actual use.

6. On this basis, the questions which my Secretary of State would wish to put to the Chiefs of Staff are:

(i) What defence obligations should fall to India to discharge with her own resources as a consequence of the attainment of full self-government? (It would assist if these requirements could be given under their main heads in some detail for the purpose of exposition to Indian political leaders).

(ii) If India is not yet fully able to meet with her own unaided resources the obligations in (i), is our interest in regard to the making good of the deficiency such that we should stipulate for the employment of British Forces, or could we wait for the representatives of India to approach us with a request?

(iii) What are the main headings of the agreement that would have to be drawn up governing operational and administrative command, and the authority competent to decide the propriety of the proposed employment of any British Forces made available as under (ii)?

(iv) Apart from such forces as may be made available under (ii) and (iii) above to assist India in the discharge of her own essential minimum defence requirements, is it essential that His Majesty's Government should secure the agreement in principle of the new Indian Government:

(a) to the location in India, at the request of His Majesty's Government, of other British Forces for the performance of some wider common defence purpose, such as defence of the Indian Ocean area, or as a strategic reserve in that area, and

(b) to the provision of facilities of all kinds for the use of India as a base for such forces?

If so, what conditions should be stipulated as to the command of such forces and the authority competent to authorise their operational employment?

(v) Is it essential, or alternatively, would it be desirable that India should agree to furnish Indian Forces for service outside India in British territory on conditions reciprocal to those in (iv)?

7. It is possible that the constitutional problems may only be resolved by the division of India into two or more political units, in principle self-governing and independent one of the other. In that event, is it essential that some agreement should be reached between these components of India for the unification of defence measures throughout geographical India, and the creation of

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a single common defence authority with which His Majesty's Government could deal in respect of matters arising?

8. The questions set out above cover as precisely as has been found possible the field on which advice is required, and my Secretary of State would be most grateful to the Chiefs of Staff if they will afford him as full a review as is possible, in the limited time available, of the requirements indicated by these questions; it would be most helpful if they could differentiate between what is in their view essential for His Majesty's Government to secure from the Indian Government, and what is desirable but not, in the last resort, essential.

Yours sincerely,

D. T. MONTEATH

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Mr Henderson to Lord Pethick-Lawrence

MSS. EUR. D. 714/74

1 March 1946

Secretary of State

ONE. In any attempt to set out possible lines of approach to a solution of the Indian constitutional problem, we are inevitably faced with finding an answer to the question "Is Pakistan fundamental to the solution, or is it possible to regard it as merely a troublesome complication?"

I have given a good deal of thought to the various possible lines of approach which present themselves to the mind, but I have come to the conclusion that the solution which commends itself most is one based upon maintaining the unity of India. It seems to me that it would be putting back the clock to split India into two or more political entities. While it is not for us to decide the form of the constitution, I should have thought that the welfare of the Muslim minority could be amply safeguarded in an Indian union or federation, with the Provinces, whatever their number may be, enjoying the widest powers of autonomy. As the constitution would be a written one every requisite safeguard could be inserted therein, including provision that future amendments of the constitution should require the approval of not less than a specified majority of both Hindu and Muslim Provinces.

TWO. It may be, however, in view of the result of the elections in the Punjab, which may well be followed by similar Muslim League successes in Bengal, that the Muslim League and its supporters will remain adamant in their refusal to come within any form of a united India. What is to happen then?

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One alternative would be to proceed along the line of handing power to Congress, the Sikhs, and any other section which would be prepared to cooperate on that basis. This would involve, presumably, the appointment on the Viceroy's Executive Council of representatives of such parties (including individual Muslims), but without representatives of the Muslim League. It would also involve the setting up of a constitution-making body, again with representatives of such parties but without any representatives of the Muslim League. Representatives of the States would, however, be present. In these circumstances Jinnah might seek to set up his own constitution-making body, or alternatively raise the flag of revolt, or there might be widespread disturbances in Muslim areas. Another possibility would be the adoption of passive resistance and non-co-operation.

In the event of revolt or disturbances, it would then be for the newly formed Viceroy's Executive Council constituting an ad interim political ministry, with or without the support of British forces, to deal with such a situation in order to maintain law and order.

The above steps would be entirely logical and would be consistent with the handing over of power to, so far as we can ascertain, the leaders of the majority party in India. We could have no moral responsibility for Muslim intransigeance, except, of course, we could not stand necessarily on one side as a kind of neutral. If the safety and welfare of British nationals as well as British interests were directly affected in such circumstances we should have to accept a considerable degree of responsibility for putting down a Muslim revolt or dealing with Muslim disturbances. If unhappily it comes to this because all other attempts to secure peaceful settlement have failed, we should have to be prepared to face our responsibilities.

THREE. Before, however, we come to such a stage I consider that we should make every attempt to find another practical alternative. While I accept the principle I am not impressed with the practicability of the suggestion that Jinnah's proposals should be met to the extent of agreeing to self-determination provided it is limited to Muslim areas. So far as I can ascertain to partition the Punjab giving the Muslims possibly two of the five divisions of the Province and to partition Bengal into Eastern and Western Bengal joining up Western [Eastern] Bengal with one division of Assam, which is predominantly Muslim, would not constitute a working proposition. To partition the Bengal and Punjab Provinces is most unlikely to satisfy either side, and in addition would raise almost insuperable administrative and economic difficulties. But of course if it were acceptable to both sides, it is a possible solution.

FOUR. There is, however, one other proposal that has been made in one form or another from time to time which seems worthy of consideration. If we assume for the moment that the Muslims will accept nothing less than the

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separation of Muslim majority Provinces, whereas Congress will never accept anything which is in the nature of the partition of British India, should not consideration be given to a solution which meets both points of view? On the assumption that full Pakistan is granted, viz. the grouping of the North West Provinces, Sind, Baluchistan and the Punjab together with Bengal and Assam or parts thereof in the south east, Muslims to this extent would be satisfied, but Congress would not. If, however, Pakistan and Hindustan were then to be brought back again as the two parts of a confederation, would not the point of view of Congress have been met so far as their fear of partition is concerned? This structure would involve, therefore, a Hindustan and a Pakistan joined up into an Indian union. In 1940 you will remember the British Prime Minister offered the French a "Union" of the British and the French nations. I cannot believe that he seriously intended merging either one into the other. What he had in mind doubtless was the coming together of the two peoples in order to pool their resources for purposes of defence, foreign affairs, and to secure joint co-operative action in matters of trade and commerce etc. I see no reason, therefore, why a similar sort of loose organisation should not be voluntarily accepted by a Pakistan and Hindustan, whether full Pakistan or the more limited Pakistan referred to in paragraph 3. The fears of the Muslims would be met by ensuring that the Indian Union Executive and Legislature (if any) should be on a fifty fifty basis of representation, and as I have already indicated, the point of view of Congress would be met insofar as there would be no splitting of India into two separate parts each going its own way.

FIVE. I recognise that the suggestions contained in paragraph FOUR might be considered as quite impracticable or alternatively quite unacceptable by either one or both of the two factions. This, however, is no reason for our not giving due consideration to any proposals which may provide a possible solution and being ready to put them forward if circumstances should warrant it, for consideration during the forthcoming negotiations. As I have said before, if no possible solution can be found either on the line of the proposals contained in paragraph FOUR, or alternatively, the more limited form of Pakistan referred to in paragraph THREE, we shall be in a much stronger position if eventually we have to fall back upon the line of approach which I discussed in paragraph ONE.

Although, of course, I fully realise that a cut and dried plan cannot be taken to India, as so much must depend on the day to day trend of the negotiations, I thought you might be interested to see how my mind has been working on practical aspects of the problem with which you will soon be dealing. Hence this memo.

A. HENDERSON

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/23

PRIVATE AND SECRET INDIA OFFICE, *1 March 1946*
Received: 8 March

Thank you for your letter of the 18th February.[1] I have had a very heavy week since I last wrote, being hard at work every day; but I hope to have a short respite this week-end after having my inoculation and vaccination done on Friday evening. I confess I do not myself believe in such things but as Secretary of State it is, I suppose, my duty to undergo them.

2. The meeting of the Food Delegation with the Prime Minister, Ben Smith and myself last Friday[2] went quite well. Hutchings reported privately afterwards that while the Delegation felt at the time that the Prime Minister's remarks to them had been a little cold they realised afterwards that he had really promised them all the help which they could at this stage expect from His Majesty's Government. The Prime Minister has not, of course, got an emotional delivery and it takes a little time for the effect of his remarks to sink in. Mudaliar, in a letter to the Prime Minister, pressed strongly that His Majesty's Government should send a Cabinet Minister to Washington for the discussions of the Combined Food Board. The Delegation felt that it would strengthen their hand very considerably if they could count on the support of an important member of the British Government in person. I have myself been pressing this on the Prime Minister. I gather that Ben Smith was ready to go himself if he were instructed to do so and the Prime Minister is considering the matter after weighing up all the pros and cons. I do not know if he has come to a final decision yet, but the urgency of taking it was stressed at a meeting of the Cabinet Food Committee on Tuesday.

For this meeting I put in a paper[3] giving your requirements and strongly supporting India's case. The Committee took note of it and the attitude was generally sympathetic. I think we can now say that His Majesty's Government, while they feel bound to put the needs of the people of these islands first (a point which I hope we shall not stress unduly, though it is obvious that it must be so) put India a very good second. I think that the visit of the Delegation has been of great assistance in achieving this end.

3. As I explained in my last letter[4] we were considerably embarrassed by the delay in receiving information about the R.I.N. Mutiny. It appears now to have been due to the War Department telegrams being marked "important"

[1] No. 442. [2] 22 February 1946. [3] L/E/8/3329. [4] No. 460, para. 14.

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instead of "most immediate", and we had a difficult job briefing the Prime Minister in a great hurry on Friday morning on inadequate information. However, from then onwards the arrangements for keeping us informed worked excellently and we were very grateful to you for taking the matter in hand personally. The Prime Minister was very taken with the Commander-in-Chief's broadcast when he read it in the paper on Tuesday morning and insisted on putting it in the parallel statement which he and I made in the Commons and Lords on Tuesday afternoon.[5] I hope what we said will help to strengthen the Chief's hands, though it is clear that a very difficult situation is going to arise when the leaders of the mutineers are actually tried. The whole thing has come at a very unfortunate time from the point of view of our Cabinet Mission to India. But it may serve to show the red light to firebrands both among Congress and the Muslim League.

4. Talking of the Mission, Cripps and Alexander and I had a really intensive week-end's work at Chequers, about which I am writing to you separately.[6] I have also telegraphed to you on the subject.[7]

5. It certainly was unfortunate that there should have been these leakages over the Mission's visit and I can quite understand your feelings at not being able to tell the Governors about this "open secret" until the day before the official announcement was made. But I think I am right in saying that the leakages spoke of a visit of myself and Henderson and that the personnel of the team was not known before the announcement was made. I hope that the feelings of the Governors themselves were not hurt.

6. Many thanks for your commentary on the elections. The intricacies of politics in Sind are not easy for the ordinary observer to follow and your explanations are of considerable assistance. The position in the North-West Frontier Province, at any rate, seems quite clear.

7. As regards prisoners convicted for activities in the 1942 disturbances, which you mention in paragraph 6 of your letter, I should myself be rather inclined to adopt the first of the two alternatives you mention, but I do not press it if your considered judgment is that the second should be adopted. I shall be interested to know what the Governors' reactions are.

8. I note the information in paragraph 7 about the cases of prisoners detained after the expiry of long terms of imprisonment.

9. In paragraph 8 you asked me to consider saying something to the Secretary of State for the Colonies about the Ceylon Government's refusal to resume negotiations on the subject of Indo-Ceylon relations. Mudaliar wrote to me about this and he was going to discuss it with me but unfortunately owing to the pressure of our respective engagements we did not manage to

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have the discussion. I did, however, write to Hall on the subject, warmly supporting your Government's attitude in the matter, but I am sorry to say without any practical result.[8] Apparently his view is that any attempt to interfere in this matter and to force Ceylon into negotiations for an agreement with India at this juncture might jeopardise very seriously the chances of getting a new constitution for Ceylon into being and would also be calculated more than anything else to prejudice the chance of an agreed solution of the matter by a direct negotiation in the future.

10. Walter Monckton is now home and has seen Patrick. I gather he feels that his visit has been helpful on the whole, although I see from paragraph 9 of your letter that your Political Department say he is over-optimistic about the prospect of the Nizam implementing his promises about constitutional reforms. I am hoping to see Monckton myself before long and will send you any further comments after I have done so.

11. I have had a shot in Cabinet lately on the question of civilian passages. A proposal to return the "Queen Elizabeth" to the Atlantic service was brought up (this of course is secret until some announcement is made) and I suggested that, rather than this, she might be used, if not for the Indian run (since she cannot go through the Suez Canal and cannot, I believe, bring up in an Indian port), to relieve other shipping which might be used for Indian purposes. But this particular wicket was not a good one and I had no success. I understand, however, that the Minister of War Transport is bringing up the whole question of passages before long and I shall hope then to make some impression on the Cabinet. Meanwhile, I understand that Colonel Wilkinson, your Civil Passage Controller, is on compassionate leave in this country and is in touch with my office. They are putting him in contact with the key people in the Ministry of War Transport and I hope he will be able to give them a clear picture of your needs. What I am particularly anxious to have is some pretty close classification of the thousands of people who are on the waiting list, e.g., how high in the list of priority categories most of them are, so that I cannot be put off with suggestions that they are all comparatively unimportant people about whom we need not bother. The Ministry of War Transport say, for instance, that India were taking people out of category 6 and as they were drawing on such a low category their position could not really be so serious as they made out. It is this kind of fallacious argument that one is continually faced with. However, the real difficulty, as in the food situation, is that there are literally not enough ships to go round and passenger transport difficulties are really genuine.

[5] See *Parl. Debs.*, 5th ser., H. of C., vol. 419, 26 February 1946, cols. 1751–3.
[6] No. 484. [7] Nos. 471 and 472. [8] This correspondence is on L/P&J/8/200.

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12. I snatched a few hours on Tuesday evening to go down to Oxford and speak to the Oxford Majlis—not on current affairs but on the working of Parliamentary institutions in this country. I think it was well worth the trouble; these young Indians were interested and friendly and they may well include some of the political leaders of the future. By expounding the extent to which minorities were consulted and deferred to in our House of Commons and how the election of a Speaker was never carried to the length of appointing a man disapproved of by the Opposition, I read them a sermon without doing so directly. Radhakrishnan was good enough to make the arrangements for my visit and I stayed the night at All Souls. He was extremely kind and I had an interesting talk with him on many subjects including Indian affairs generally. I judge that he is a little to the right of Congress but sympathetic to it.

13. Godfrey Nicholson came to see me on Wednesday but he had little really to say. The only note I have of his conversation is that he expressed great admiration for Griffiths, the European leader.

14. I have just seen the Labour Department's letter of 12th February,[9] No. L.R. 16 (10), about the new Order under Rule 81 (*a*) of the Defence of India Rules, prohibiting strikes and lockouts without 14 days' notice. I do not feel altogether happy about this Order and should like to put the following points to you:—

First, I observe that it is "the intention of the Government of India to use the Order to strengthen the Trade Unions in their disputes with employers . . ." It would be interesting to know whether the Indian T.U.C. and the Indian Federation of Labour were, in fact, consulted on this policy and if so, whether they approve.

Secondly, are you really satisfied that it will be possible in practice to enforce this Order? What, in fact, would be done if there were a strike or a lockout on a large scale without due notice? Would it be practicable to sue and imprison all the people concerned? If we cannot be sure of enforcing the Order, it seems to me that we risk bringing Government into contempt by failing to do so, and that therefore it might be better not to have it at all.

[9] L/E/8/4899.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/26

No. 95 *2–3 March 1946*

Will you please refer to your letter of 27th December[1] about the pensionary rights of British and Indian members of the Services? It has now been

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represented to me by Auchinleck that there is an increasing feeling of insecurity among the regular personnel of the Defence Services about their pensions. Officers both serving and retired feel that there is a danger that a future Government of India may renounce its obligations. The formula used in replies in Parliament that Parliament will pay due regard to the matter in considering any future constitutional changes does not give satisfaction. The feeling of insecurity, Auchinleck says, is widespread and genuine, and is a disturbing feature in the morale of the Services. I have promised to inform you of this approach and to ask if there is anything you can do to allay the anxiety felt.

2. I recognise the difficulty about settling anything immediately, but I think we shall have to keep this matter very much in mind in settling the terms of a treaty with the new Indian Government and in dealing with the question of the sterling balances.

[1] Saying that the proposal for H.M.G. to guarantee the pensionary rights of British and Indian members of the Services raised far reaching issues and would need close examination. L/PO/10/25.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/10/21: f 207

IMMEDIATE
TOP SECRET

NEW DELHI, *3 March 1946, 10.45 pm*
Received: 3 March, 8.15 pm

517-S. Superintendent Series. Your 4101[1] of February 26th. I send in separate telegram[2] my preliminary comments on draft directive. I request permission to show it to Commander-in-Chief, Home Member, Reforms Commissioner and Political Adviser whose views would be of value to myself and to H.M.G. and whose security can of course be guaranteed.

2. The general purport of your telegram is, of course, correct. I agree that Delegation should not come out with purpose of, at once, initiating some positive proposal and that first objective must be to secure agreement if possible between main parties, for which there is no satisfactory substitute. But I feel I am no further toward knowing in what direction discussions have led you and what decisions you have taken on certain points which must have formed subject of your deliberations and on which I feel you must reach at least tentative conclusions before leaving for India.

3. The first and most important is Pakistan issue which will certainly arise at early stage of negotiations. I think it is essential that H.M.G. should have

[1] No. 472. [2] No. 491.

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some policy on this which is one of biggest problems which British Empire has had to face. They may decide

(a) that unity of India is of such importance to peace and general economy both of India and of the world as a whole that they will, in no circumstances, allow a complete partition of India i.e. one without some form of central federation on Defence and other essential subjects. This may be tenable conclusion but H.M.G. will naturally consider effect on Moslems not only in India but in other parts of the world and must be prepared to face the consequences;

(b) that, if it is impossible to persuade Moslems in India to agree to any form of United India, they are prepared to concede independence to predominantly Moslem portions of India, rather than risk civil war in India and enmity in other Moslem countries;

(c) If they decide that (b) may be necessary, they must have some views on how partition is to be effected and what defence and economic consequences will be.

4. It seems to me essential that above should be fully discussed at home since decision affects not only India but other parts of the world, and only H.M.G. as a whole can look at problem in its relation to the outside interests. It will be (?disastrous) if Delegation should be compelled to return to U.K. for further discussion, or have to settle matter by telegram.

5. The second main point on which your telegram leaves me in doubt is objective of the Delegation. It was in my mind, as a result of talks when I was last home, that we could at present carry matter no further than formation of a constitution making body, whose deliberations would take at least several months, and an (?interim) government to administer India meantime. But directive seems to imply that Delegation hope to reach a final settlement forthwith, since a constitution making body is not mentioned either in directive or your telegram. May I please be informed whether there have been any developments in this direction.

6. Thirdly, I am left in doubt as to your time table, particularly in matter of formation of a new Executive Council. I feel political India expects something more dynamic than prolonged consultations followed by a recess in Simla for reflection. Formation of a new Council can wait perhaps till completion of election, i.e. the end of April but not (?much longer) (?I think).

There is also question of administrative efficiency. It is becoming increasingly difficult to get members, in their departments, or Council, as a whole, to consider important questions solely on their merits. They tend naturally to have an eye on their own approaching demise and what view their successors are likely to take. They also, again somewhat naturally, are thinking of their

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private plans for summer and constantly ask me when change is likely to take place.

I should therefore like to know what sort of a time table Delegation has in mind.

7. I have not yet gone into question of accommodation at Simla, which may present difficulties in this case. Is it intention that whole Delegation should move up there? You are aware that Government of India is remaining in Delhi for hot weather.

8. Your paragraph 7. I entirely agree that interim Government must be under present constitution, with veto maintained, and had no idea that any other arrangement was contemplated. As regards War Member, same position will, of course, arise with regard to portfolio[s] of Home Affairs[3] and Finance; and only method of dealing with it is by some balance of key portfolios between communities. I am sure there is no Indian Army officer capable of holding portfolio and that appointment of an official would not be acceptable. If Commander-in-Chief is not retained as War Member, I think we must be prepared to face appointment of representative of one of the main communities.

9. I have given my views at some length as I feel it is so important that your Delegation should have had fullest discussions with Cabinet before leaving U.K.

[3] In tel. 522-S of 4 March, Lord Wavell told Lord Pethick-Lawrence that 'Home Affairs' should read 'Home'. L/P&J/10/21.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/10/21: f 208

MOST IMMEDIATE *3 March 1946*[1]

5-U. Your telegram of the 26th ultimo.[2] Following my preliminary comments. On several points I should like to consult my advisers as requested in separate telegram.[3]

2. (Six groups missing) (? In para. 1 I should prefer to leave) out from "method of government" down to "into operation" and substitute "setting up of interim executive". Your draft suggests interim changes in the constitution.

3. In paragraph 2 I would omit word "final" as final settlement can only come after constitutional body has met.

[1] R/3/1/109 gives the date as 4 March. [2] See No. 468, note 8. [3] No. 490.

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4. In paragraph 5 I should omit (b) or qualify it. I believe it would be most unwise to press India too much on defence issue at this stage. I am confident that if we leave them freedom of action they will of their own accord come back to us for maximum assistance in defence and we shall then be in much stronger position to secure satisfactory terms. I should like to consult Commander-in-Chief on this point.

5. Similar considerations apply to commerce (paragraph 5 (d) and paragraph 6). If we try to drive hard bargain now we shall get suspicion and opposition. But once Indians have really got responsibility, I believe that they will be very ready to negotiate a favourable settlement with us.

46. I am also doubtful about necessity of paragraph 5 (c) and (?query) likelihood of consultation with political adviser.

7. Directive should include instruction on action if agreement can not be reached (see separate telegram).

[4] The typed copy of the sender's version of this telegram on R/3/1/109 omits this para. Possibly it was intended it should not be sent though in the event it was.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/10/21: f 206

IMMEDIATE NEW DELHI, *3 March 1946, 11.25 pm*
TOP SECRET *Received: 3 March, 9.20 pm*

518–S. Your telegram 4100[1] dated February 27th. Programme of interviews for Cabinet Ministers. I agree that Ministers should meet Executive Council as soon as they arrive in Delhi. They will expect and deserve more than a formal courtesy meeting.

2. Though Governors of Madras, Bombay, Bengal, United Provinces and Bihar may be busy with Ministry making in last week of March, I think all Governors could come for a single night.

3. I suggest following order of interviews:—

(a) Prime Ministers and leaders of opposition in Punjab, Sind, Assam and North West Frontier Province, 8
(b) Chancellor of Chamber of Princes, 1
(c) *Congress*: Gandhi, Azad and Nehru and, possibly, Patel and Rajendra Prasad, 5
(d) *Moslem League*: Jinnah and Liaquat Ali Khan, 2

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(e) *States* Diwans, perhaps half a dozen to be selected by Political Adviser after consultation with Chancellor. Another ruler as representative of smaller States may be suggested by Chancellor, 6
(f) Sikhs: Master Tara Singh, 1
(g) Selection of representatives of depressed classes presents difficulty. Only body which is fighting election against the Congress is Scheduled Caste Federation, of which Ambedkar is moving spirit. The President of the Federation is Sivaraj. If he is interviewed, it may be necessary to see a Scheduled Caste representative who belongs to Congress, 2
(h) Political leaders from Provinces where elections are not complete; Madras, Bombay, Bengal, United Provinces, Bihar, Central Provinces and Orissa: 2 from each—names would be proposed after consulting Governors, 14
(i) *Smaller Minorities*: Anglo-Indian—Frank Anthony, Indian Christian—Maharaj Singh, Europeans—C. P. Lawson, 3
(j) Other recognised representatives—*Labour*—N. M. Joshi, General Secretary All India Trade Unions Congress, and Mrs. [Miss] Maniben Kara, President Indian Federation of Labour. Latter is also nominated member of Indian Legislative Assembly, 2

Women—Mrs. Hansa Mehta, President All India Women's Conference, 1.

I suggest that, in addition to Sapru and Jayakar, Aga Khan might also be invited, 3; total 48.

4. The Central Legislative [Legislature] will be in session (?till) first week of April and we should not ignore it (?completely). The Ministers would have already seen Jinnah and Liaquat Ali Khan, leader and deputy leader of the Moslem League Party. In addition, they might see Sarat Bose, who is leader of the Congress Party, and Griffiths, leader of European Group. From Council of State, I suggest Kunzru (?and) Hossain Imam. There is no effective Congress party in Council of State but Kunzru is most (?representative) (?Hindu). Hossain Imam leads Moslem League Party.

5. Formal interviews according to list in paragraph 3 might take place from 10 to 1 each day giving 1 hour to each from first to April 17th excluding Sunday 7th. For these formal interviews, I should sit with you. This was practice during Montagu–Chelmsford negotiations. Informal interviews could take place at other times of day.

6. Thus, outline of programme would be—

March 24th to 31st—preliminary discussions. Governors present on perhaps 28th and 29th.

April 1st–17th. Formal interviews each morning as in paragraph 3.

7. If you agree, I will have provisional invitations issued and warn Governors.

[1] No. 471.

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Lord Pethick-Lawrence to Mr Attlee

L/P&J/10/21: f 201

TOP SECRET INDIA OFFICE, *4 March 1946*

Secretary of State's Minute: Serial No. 21/46

Prime Minister

I attach copies of the telegrams[1] sent to the Viceroy after the Chequers meeting and of two telegrams[2] received from him in reply last night.

I propose to discuss the terms of the answer to be sent to these telegrams with Cripps and Alexander and will send the draft of what we propose for your consideration. I hope to be able to do this on Wednesday.

There is, however, one immediate point for decision. The Viceroy asks to be allowed to show the draft Directive to the Commander-in-Chief, the Home Member, the Political Adviser and the Reforms Commissioner. In telegram 5-U he refers to the necessity for consulting the Commander-in-Chief and the Political Adviser particularly on paragraphs 5 (b) and 5 (c) respectively of the Directive. If you agree I would propose to tell the Viceroy that we do not wish the Directive to be disclosed to as many people as he suggests but that we agree to his consulting the Commander-in-Chief and the Political Adviser orally. I should make it clear that, while he may show them the document, they should not be given copies.

As regards what the Viceroy says about the Defence provision (paragraph 5 (b)) I have asked for the opinion of the Chiefs of Staff[3] as to what Defence provision they consider it essential to ensure in a settlement of the Indian question.[4]

PETHICK-LAWRENCE

[1] Presumably tel. 4-U (see No. 468, note 8) and Nos. 471 and 472. [2] Nos. 490 and 491.
[3] No. 486.
[4] On 5 March Mr Attlee noted: 'I agree with this Minute.' L/P&J/10/21: f 193.

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Lord Pethick-Lawrence to Mr Attlee

L/P&J/10/21: ff 195–6

TOP SECRET INDIA OFFICE, *4 March 1946*

Secretary of State's Minute: Serial No. 22/46

Prime Minister

The King wishes to see the Ministers who are going to India and we shall have an audience with him shortly.

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I think I heard you tell Sir Stafford Cripps that you had spoken to The King but I do not know how much you have told him orally of our plans in regard to India.

Clearly, however, he ought to be informed that we are prepared to contemplate a settlement on the basis that India will not remain within the Empire, and as this will affect the King's title I presume that his approval is necessary.

If you have not already told him I imagine you will wish to inform him yourself before our audience, the time of which was fixed for Friday next at noon but may be postponed owing to the Cabinet. I should be glad to have a note of what you have said or written to him to guide myself and my colleagues at our audience. I presume that a formal written approval by The King will *not* be necessary until a later stage.

PETHICK-LAWRENCE

495

Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/10/21: f 183

IMMEDIATE INDIA OFFICE, *5 March 1946, 3.50 pm*

No. 4539. Superintendent Series. Your 517-S.[1] The directive is intended to be Cabinet instruction to Ministers & yourself. It is being restricted to very narrow circle here & I fear we cannot agree to as wide a disclosure of it as you propose. We agree however to your consulting C. in C. & Political Adviser personally on the understanding that they are shown the text but are not given copies.

[1] No. 490.

496

Pandit Nehru to Sir S. Cripps[1]

L/P&J/10/59: f 5

ANAND BHAWAN, ALLAHABAD, *5 March 1946*

Thank you for your letter of February 10th[2] which reached me rather late as I was touring. As you will be coming here soon there is no particular point in my writing to you. I suppose we shall meet before the end of the month. I do not know yet exactly when you are arriving. I am going to Malaya on the 16th on a brief visit but I am anxious to be back by the time you come.

[1] This letter was sent on to Lord Pethick-Lawrence by Sir S. Cripps' Private Secretary and marked 'Confidential'.

[2] Attempts to trace this letter have not been successful.

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I might mention, however, that I am troubled at some indications of the British Government's policy. They are vague no doubt and I believe that the Government wants to get a move on and come to a settlement. But what is the basis of this settlement? I find a strange reluctance to use the word "independence" with all that it conveys. "Self-Government" is used in the old way and this is something that rubs people up in the wrong way. This is not a minor matter of wording. It is basic. I want you to appreciate that there is intense feeling here on the subject.

Again, there are references to our going back to 1942, whatever that might mean. There can be no going back for too much has happened since then, and India has changed vastly during this interval of four years. We have to deal with a new situation, an urgent situation, and to deal with it finally.

With all good wishes,

Yours,
JAWAHARLAL

497

Minute by Mr Attlee

L/P&J/10/21: f 194

10 DOWNING STREET, WHITEHALL, *5 March 1946*

Minute from Secretary of State for India: Serial No. 22/36,[1]
dated 4th March, 1946.

I told him[2] that the basis of our negotiations was necessarily based on the Cripps offer which gave India the freedom to choose her future, which might be independence. He did not dissent from this.

C. R. A.

[1] No. 494. [2] i.e. King George VI.

498

Mr Turnbull to Lord Pethick-Lawrence

L/PO/6/114: ff 115–18

5 March 1946

S/S.

I have sent Rau's draft[1] to Sir S. Cripps & Mr Alexander, with the note below which comments briefly on it. Sir W. Croft approved this in the revised form attached.

F. F. T.

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NOTE BY THE INDIA OFFICE ON THE GOVERNMENT OF INDIA'S DRAFT TREATY

1. *Defence Provisions.* (*Articles 1–6*).

These are inconsistent with the views of Ministers in certain respects:—

(a) The draft contemplates that British Forces located in India as a strategic reserve shall, while they are under the control of H.M.G. in most respects, be under the control of the "Supreme Commander" for local administration and service discipline. The Supreme Commander would be under the War Member or Defence Minister of the Government of India.

(b) The draft contemplates that, apart from any strategic reserve, British Forces may be lent to the Government of India for local defence. These would be under the Supreme Commander for command and administration and at the disposal of the Government of India. Reference is made to the view of the Commander-in-Chief that there should be an agreement as to the circumstances in which they should or should not be employed.

(c) Sir B. N. Rau refers to a proposal by the Commander-in-Chief that protection for individual British personnel of the Indian Army who remain in the Service should be provided by the Treaty or in the Constitution. But it will be a source of continual embarrassment if there remain in the Indian Service under the new conditions persons who are entitled to look to H.M.G. for the protection of their conditions of service.

2. *External Affairs.* (*Articles 7 and 8*).

Ministers contemplated that these provisions should find their place in a separate and subsequent instrument. Sir B. N. Rau makes no reference to the assumption by the new régime of responsibility for external obligations which are now the responsibility of H.M.G. and cannot be disregarded.

3. *Pensions etc.* (*Article 9*).

[*This section has been omitted.*]

4. *The Indian States* (*Articles 11* [*10*]*–16*).

These articles propose that paramountcy should be placed under an Indian Minister. This seems indefensible. The Crown's relations with the States from which paramountcy arises depend on the Treaties which it is agreed cannot be maintained. Provisions of the kind proposed would make H.M.G. still ultimately responsible for seeing that the new Indian authorities did not abuse

[1] Enclosure to No. 403.

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paramountcy and fulfilled the obligations under the Treaties, and they would not be in a position to do so.

5. *Minority Protection* (*Article 17*).

This proposes a set of fundamental rights in the Treaty. They will not be worth much unless they appear in the constitution and are enforceable by the Courts. What seems necessary is that the Treaty to which the Declaration of Rights would be scheduled should provide for their being incorporated in the Constitution; for their remaining unaltered during the Treaty's currency and for reasonable access to the Courts.

499

Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/23

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI,
5 March 1946

Thank you for your letter of the 22nd February.[1] Since I wrote last there have been a few disturbances of the peace in Madras, of which you have received information by telegram from the Governor.[2] There have also been a few sporadic cases of indiscipline in the forces which have been reported by War Department, but for the time being at any rate things appear to be settling down. Azad has taken quite a responsible line recently, and I enclose a copy of his latest statement. Nehru, on the other hand, though advocating restraint for the moment is using the same sort of language that led to the Calcutta and the Bombay disturbances and that may have even more serious results in the future. It is difficult to know what to do about him, and I have no doubt that he embarrasses the Working Committee almost as much as he does the Government. I enclose the latest report of his utterances. You will see that he is practically inciting the services to mutiny. If he were in Delhi I would send for him, and tell him what I think of his speeches; but I gather he will not be here for some time yet, and is apparently going to Malaya this month. If an opportunity occurs, I will ask Azad whether the Working Committee cannot control him more closely, but I am not at all sure that they can do it.

Nehru's idea seems to be to build the largest possible bonfire into which he can throw a lighted torch if negotiations with the Cabinet Delegation do not go well. Unfortunately, there are many people prepared to commit arson, without any signal from Nehru, and one of them is bound to light the fire, which we have already had to put out twice, at some cost of life.

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2. It is against this sort of background that one has to consider suggestions for a general amnesty such as you made in paragraph 3 of your letter of 15th February.[3] As I informed you in my letter of the 18th February,[4] which crossed yours, I have written to the Governors of the Congress Provinces suggesting that probably the best course would be to proceed as at present, and then when the ministries make their demands for releases, to agree on the understanding that the Ministers will hold themselves responsible for the good behaviour of those released. The only condition would be that the Governor himself would have to examine individually the worst cases. I have not had replies from all Provinces to my suggestions, but you can take it that there would be no strong support for a general amnesty, and my advisers here who have examined the proposal more than once are definitely against it.

The Home Member saw Jai Prakash Narain and Lohia a day or two ago. Jai Prakash Narain was quite definite that he would resort to sabotage, etc., if he thought India was not getting a square deal. Neither he nor Lohia asked to be released, and it seems to me possible that they are aware that they would be in an embarrassment if they were released. To keep up their reputations they would have to do something spectacular, whereas the interests of the country might demand that they should remain quiet. Probably what they want most is to be released as national heroes by a national Government in due course, and they will then at least have the option of settling down as responsible citizens.

I think it would be more honest and wiser to keep in detention the men whom we and the present Provincial Governments consider it is contrary to the public interest to release. If the new Governments take a different view I see no harm in their receiving the popular acclamation which will follow the orders of release, and at the same time they will have the responsibility to control the men they let out.

3. A new threat to security and to the Food situation is the danger of strikes in the Posts and Telegraphs Department and on the Railways. We have decided to give an increase of Rs. 5 in good conduct pay to all Posts and Telegraphs employees drawing pay up to a maximum of Rs. 160 a month, and we have also agreed to submit to adjudication a limited question of the abolition of the revised rates of pay which were brought in with effect from the early thirties as the result of the slump which began in 1930–31. The Department think that this may prevent a strike, but the Railways fear that the extra Rs. 5, which only brings the Posts and Telegraphs employees up to

[1] No. 460.

[2] See L/P&J/8/573. The riots began as a demonstration of sympathy with the R.I.N. strike at Bombay and gathered additional strength on account of the reduction of the rice ration and issue of qualities of rice not liked by the people.

[3] No. 436. [4] No. 442, para. 6.

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the same level as the Railways, will lead to a threat of strike on the Railways in the hope of also extracting some Danegeld. If this happens, we shall have to submit their case also to adjudication. Rowlands is trying to set up a Pay Commission, and it is clear that the whole field needs to be examined as soon as possible. It is a pity we cannot wait for the Pay Commission to consider the claims of the Posts and Telegraphs and Railway employees, but adjudication for the former was inevitable, and I expect the Railways also will have to have their adjudication before the Pay Commission gets down to work.

4. Rowlands' budget, of which you will have received reports, has been quite well received. The lifting of E.P.T. was naturally popular, and a good deal has been done both for industry and for the income-tax payer of moderate means. Rowlands was of course lucky to have some Rs. 26 crores in the War Risks Insurance funds which he could take to revenue, but even so I think the budget was a good job of work and showed imagination. It seems to have a fair chance of being passed, but I cannot be sure of this.

5. In your letter of the 1st February[5] you mentioned the allegations of torture in the Red Fort made by Vidyarthi, and asked to be given further information. It has now been established that Vidyarthi was never brought to Delhi and that his allegations are a complete fabrication. Devadas Gandhi has admitted this, and the whole incident shows how completely irresponsible Congress is in the charges they bring against us.

6. I saw Devadas Gandhi a day or two ago. He was friendly and moderate. His chief subject was the possibility of international arbitration if Hindus and Muslims failed to agree. I asked who was going to enforce an international decision. Did he want Russia, for instance, to have a finger in the Indian pie? He said he hoped the British connection would be maintained and that all he meant about international arbitration was that it might give us "moral support". I said we had been landed with several international babies lately and did not think we should want to hold another; and that family disputes ought to be settled in the family.

7. The prospects of a Ministry in the Punjab are still very doubtful. The Sikhs hold the balance and are trying to secure the maximum advantage to themselves. I can hardly believe that they will be tempted to join the Muslim League with its Pakistan policy, even though they might get an absurdly generous weightage in the Council of Ministers and in the public services.

8. We still have not found a Chairman for the Rewa Constitutional Committee. Sapru, Jayakar and Gopalaswami Iyengar having refused, I consulted Bhopal, and he has not been able to put forward any name. Fortunately no great public interest is being taken in the Rewa case.

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9. I strongly support the line that Mudaliar has taken in London about the enfranchisement of Indians in Ceylon, and I am sure you will do all you can for us with the Colonial Office. I think we should press that Office very strongly to decide on the enfranchisement of Indians before the new constitution is framed.

10. You mentioned in your letter of the 15th February that you had met Dr. Marie Stopes lately, and that she had asked for assistance in broadcasting to India. I am sure that the present Government should do nothing to assist such propaganda; it is a delicate matter on which leaders of Indian opinion themselves are divided, and to which there is probably much hostility, particularly if it were initiated by an outsider. It is a matter for the new Government to take up. The Bhore Committee, you will notice, hedged very cautiously on the subject in their Report.[6] I wonder whether you have seen the report of the Population Data Committee which was issued about the middle of last year. I enclose a copy in this bag in case you have not.[7] Action is being taken on the recommendations of the Committee, but progress will be slow until the information on the sample slips has all been transferred to Hollerith cards. When we have considered what the Bhore Committee has said on the matter, it is probable that a permanent Census and Population Bureau will be set up under a Registrar-General.

11. We had a picturesque ceremony in the Durbar Hall last week. The Tibetan Mission came to present ceremonial scarves and gifts and to deliver letters for H.M. the King and myself. After much deliberation with the experts in External Affairs Department, it was settled that my wife and I should sit in state in the Durbar Hall and that after receiving the messages and presents we and our guests should drink a ceremonial cup of tea in accordance with the Tibetan custom. When we had taken our seats the Tibetans came in in their lovely Chinese brocades and their little fur hats, and walked up the red carpet towards us. There was a good deal of nudging and looking round and changing of positions in the very ragged procession, but there was no lack of dignity or composure. When they got about half way across the marble floor, one of them dropped one of the presents. He dived down to pick it up and his little fur hat fell off. Then he picked up the hat and a whole cascade of presents fell out of his lap on to the floor. Even this contretemps and the fact that most of the presents had been left outside and had to be sent for, disturbed no one, and from then on all went very well. We entertained them to luncheon afterwards, and I am sure they enjoyed themselves; though they got a little fidgety

[5] No. 392, para. 12.

[6] A copy of the Report of the Health Survey and Development Committee (Bhore Committee), published on 4 March 1946, is on L/E/8/4485.

[7] A copy of this Report is on L/E/8/5024.

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at the end because they were bound for the Delhi Races and did not wish to miss the first race.

The Chinese, by the way, are trying to take the Mission under their wing, and we had a letter saying that Shen, the late Chinese Commissioner in Delhi, would accompany them. We sent a stiff reply making it clear that we had not invited him but would be glad to see him at another time. The Chinese are of course determined that the subsequent visit to China shall appear to be a visit by Tibetan representatives to the Chinese National Assembly.

12. We are now in our New Delhi Victory Week. I send you a copy of the speech[8] I made at the first function—the ceremony of remembrance at the Memorial Arch. Both the Congress and the Muslim League have decided to boycott the Victory Week celebrations, and there is no mention of them in the Indian newspapers: the *Statesman* has only included a very small and inaccurate report of the proceedings and two bad photographs. Only the *Times of India* printed my speech.

13. I hope to see Liaquat Ali Khan this week about the proposal to set up a Food Committee with advisory functions under a non-official chairman. I mentioned this in Council last week and we hope to secure a Committee containing representatives of the Congress and the Muslim League as well as of the States. This Committee may be embarrassing to the Food Department at times, but we cannot refuse to associate the political parties with our food policy, and I think the Committee may do good on balance.

14. Auchinleck has just sent in his proposals for dealing with the R.I.N. mutiny, and we shall discuss them in Council this week. He proposes to have a meeting of his Defence Consultative Committee at the end of the week and to inform them that it is proposed to bring to trial those who incited others to mutiny and those guilty of acts of violence. There will, however, be no mass punishments. Service courts of enquiry are already sitting. A proposal will then be put to the Committee that a Commission of Enquiry should be set up with a non-official chairman (possibly a High Court Judge); three service members—one Army, one R.N. and one R.I.N.; one member of the Council of State to be nominated by the Government; and two members of the Legislative Assembly (one nominated by the Congress and one by the Muslim League). The terms of reference will be "to enquire into and report on the causes and origin of the recent mutiny in the R.I.N." Provision will be made for the proceedings to be in public generally but *in camera* when necessary in the public interest.

These seem to be sensible proposals and I hope they will be accepted by the Defence Consultative Committee. Congress leaders have stated that they will defend the R.I.N. mutineers. I hope that they will not do so and work up an

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agitation like that caused by the I.N.A. trials. There can be no question of letting off these men, and it may be that the attention devoted to your Cabinet Delegation will put the courts-martial into the background.

15. Twynam has asked to be allowed to hand over early in September. The date of expiry of his extended tenure is September 30th. I have told him in confidence that Bourne is to be his successor and that I think it should be possible to arrange for the earlier hand-over. Bourne will be free from Assam a week or two beforehand. I imagine you will have no objection to this adjustment, the details of which can be settled later.

Enclosure 1 to No. 499

CUTTING FROM THE *HINDUSTAN TIMES*, NEW DELHI, DATED 3RD MARCH 1946.

AZAD WELCOMES RATION CUT.

People asked to avoid clash with Government.

LAHORE, March 2.—The Congress President, Maulana Abul Kalam Azad, in a statement defines the general attitude of the Congress on the question of tackling the food problem. "I have", he says, "discussed the food situation with the Viceroy and made certain suggestions which are under consideration".

The Congress President adds: "In view of the tense political situation and acute scarcity of food with which the country is threatened, it is necessary that the general attitude of the Congress should be made known to all concerned beyond any doubt.

"India is passing through the birth-pangs of freedom on the one hand, and the ordeal of many privations or threats of privations which always form part of the aftermath of a war on the other. The natural urge of freedom accentuated by the past five years of war has given a poignancy to the impatience of every section of the population in India. It is a phase of human longings all the world over which has brought with it a new mental climate. None who is concerned with the rapid advance man is making towards his destiny can ignore or gloss over it without peril.

Need for Restraint.

"The Congress is essentially a political organization based on the will and aspirations of the people. Its leadership has, as I have said before, weathered many storms and has steered the bark of the country in close and wide contact with the people. We are fully alive to the urgency of the new spirit and to

[8] *Speeches by Earl Wavell from 26th October 1943 to 21st March 1947* (New Delhi, Governor-General's Press, 1948), pp. 128–30.

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the impatience of the younger generation. But we are equally conscious of our heavy responsibilities at this critical time.

"The situation does not admit of over-simplified formulas of action. It is difficult and complex and demands the most careful and cautious handling. I must, therefore, appeal to all the parties in the country to exercise restraint and to allow the situation to be confined to manageable proportions.

"Transfer of power from foreign to Indian hands and its assumption by the people who are the true repository of all powers and sovereignty is now only a matter of short time. It is, therefore, most essential that all should watch their steps and desist from creating situations which may lend themselves to exploitation by those who would prejudice the early realization of India's aspirations. Much self-control is imperatively demanded by circumstances of the day.

Avoid Clash.

"Strikes, *hartals* and defiance of the temporary authority of the day are out of place today. No immediate cause has arisen to join issue with the foreign rulers who are now acting as caretakers. In any case it is in abeyance until the refusal to transfer power and that not for a long time. When the time comes for entering the lists the Congress will not hesitate to sound the bugle call. In the meantime all energy must be reserved and all clashes should be scrupulously avoided.

"As regards the food front which is India's immediate concern, there should be willing co-operation between the temporary Government of the day and the people. Strikes and demonstrations, *hartals* and processions should not be resorted to and the general atmosphere in the country should be allowed to remain calm and peaceful.

"Much serious work which demands all the mental energy of the leaders lies immediately ahead. All diversions at this stage will prove detrimental to the immediate tasks ahead. None, not even the most unimaginative of our foreign rulers, is in doubt of the potentialities and urgency of the situation and those who think that demonstrations are necessary to emphasise the impatience of the people are wasting their and the people's energy. Again those who believe in skirmishes as invigorating tonics misjudge the actual needs of the situation.

No Politics in Food.

"I have discussed the food situation with the Viceroy and made certain suggestions which are under consideration. Alarmist rumours should be discouraged and popular committees of producers and consumers should spring up in rural areas, and dealers of foodstuffs and consumers in urban areas should set up similar committees to keep a vigilant eye on abuses which shortsighted greed dictates.

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"The cut in rations should be regarded as a far-sighted measure for saving millions of lives. There are hopeful signs of an improvement of the situation if only food is kept out of party politics."—A.P.I.

Enclosure 2 to No. 499

CUTTING FROM THE *STATESMAN*, NEW DELHI, DATED 4TH MARCH 1946.

INDIA ON EDGE OF VOLCANO, SAYS NEHRU.

JHANSI, March 2.—"If the British Cabinet mission fails to solve the pressing problems which clamour for solution, a political earthquake of devastating intensity will sweep the entire country", Pandit Nehru told a large gathering here last night on his way to Allahabad.

"We have put severe restraint on ourselves for long but now no one can say how long this self-imposed restraint will continue", Pandit Nehru said.

"The whole country is in the throes of serious discontent. We are sitting on the edge of a volcano which may erupt at any moment. A spark set ablaze Bombay, Calcutta and Karachi. These pre-storm conditions are not limited to big cities but are found even in the remotest villages.

"The truth is the people are tired of foreign domination and want to end it immediately. We would talk to the Cabinet mission as the free people of one country talk to people of another free country. The Congress will try to settle urgent and fundamental issues by negotiation and compromise because we do not want the country to pass through fiery ordeals every now and then if they can be avoided. But what I wish to make abundantly clear is that the Congress is not prepared to withdraw an inch from its demand for complete independence."

R.I.N. Strike.

Referring to the naval strike in Bombay, Pandit Nehru said: "This strike is of great political importance. Our boys in their zeal might have done things with which we may disagree, but that cannot minimize its importance or wash away the powerful reactions which this event has created in the country. It has demonstrated how the mind of the Indian Army is working. It has also shown that the iron wall which the British created between the Indian Army and the Indian people has collapsed and that Indian soldiers, who mostly hail from the peasant class, are as sensitive to political and economic exploitation as their brethren in fields and factories."

Pandit Nehru revealed that Shah Nawaz, Sehgal and Dhillon, three I.N.A. officers, were not released owing to demonstrations in India, but because the Indian Army had demanded their release.

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Most eventful Year.

Pandit Nehru said that 1946 would be the most eventful and decisive year for India. "In other words", he said, "the 150-year-old British rule in this country has almost come to an end.

"One thing is clear from the historical point of view. British rule in India is a thing of the past. The British also realize it and therefore they no longer talk in terms of political reservations for themselves. They want to know from us if we would give them trade facilities in a free India. Well, I tell them frankly, 'it all depends on how you quit our country. If you leave a trail of bitterness behind, we cannot have any truck with you'."

Pandit Nehru characterized the Muslim League as an "organisation of Nawabs and Taluqdars" and said that they raised the Pakistan slogan only to sidetrack the country's main problems of poverty and starvation on the one hand and feudalism and capitalism, represented by a handful of persons, on the other.

Pandit Nehru added that the League, Akali, Unionist, Hindu Sabha and Communist parties were all allies of Britain in the present context of the Indian situation.

Pandit Nehru was presented with gold and silver approximating to his own weight following his refusal to have himself weighed against gold and silver.—A.P.I.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/10/21: f 161

MOST IMMEDIATE
PRIVATE

NEW DELHI, *6 March 1946, 6.25 pm*
Received: 6 March, 1.50 pm

535–S. Superintendent Series. Your 4539.[1] I appreciate reasons for Cabinet's insistence on secrecy but am sure I can rely on your support to my very urgent request that I be allowed to show the directive also to Home Member. I agree unwillingly to omission of Reforms Commissioner but I cannot consult War Member or Political Adviser unless I am authorised also to show directive to Home Member. Cabinet should remember the immense burden of responsibility Home Member is carrying at present. Law and order situation has been critical for some time, as events have shown, and will continue critical until discussions are satisfactorily over. Very grave risks are being taken every day. I am quite sure that Home Member must be shown the directive and given an opportunity to comment. Please tell your colleagues that I feel bound to insist on this and do not propose to consult C.-in-C. and Political Adviser until I can

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consult Thorne. As Chief leaving for England on Monday matter is most urgent.[2]

[1] No. 495.

[2] In tel. 55 of 6 March, Lord Pethick-Lawrence agreed to Sir J. Thorne seeing the directive. On 8 March, the Secretary of State sent Lord Wavell's telegram (above) and his reply to Mr Attlee, Sir S. Cripps and Mr Alexander. L/P&J/10/21: ff 157, 142.

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Lord Pethick-Lawrence to Mr Attlee

L/P&J/10/21: ff 162–4

TOP SECRET INDIA OFFICE, *6 March 1946*

Secretary of State's Minute: Serial No. 24/46

Prime Minister

I discussed with the President of the Board of Trade and the First Lord this morning the answer to be sent to the Viceroy's telegrams 517–S and 5–U of the 3rd March,[1] which I sent to you with my Minute No. 21/46[2] of 4th March, and also to a further telegram 518–S[3] a copy of which I enclose. This, however, concerns only our programme of interviews in India. I enclose a copy of the draft[4] as agreed between us for your approval.

You will see that we propose to accept, if you approve, amendments to the Draft Directive[5] as proposed by the Viceroy in paragraphs 2 and 3 of his telegram 5–U, and also to omit in paragraph 5 (d) of the Directive the words "and commercial" in line 2. Assurance was given at the time of the Cripps Mission that we would not seek any commercial safeguards for British business interests in India in the Treaty which would be a condition of implementing the constitution, but that these matters would be dealt with in a separate agreement negotiated freely with the new Government of India. We do not propose to omit or alter 5 (b) of the Directive. I am obtaining the advice of the Chiefs of Staff as to what they consider "satisfactory provision" for the defence of the South-East Asia area would be, and how far it will be necessary to press the Defence issue will depend to some extent at any rate on their advice.

A small point on the wording of 5 (d) [5 (b)] which I did not discuss with my colleagues is that I doubt if "the South-East Asia area" is the right term. It has denoted hitherto the area of the South-East Asia Command which does not include India. It might be better, I suggest, to say "India and the Indian Ocean Area".

None of the changes suggested above are matters of principle.

[1] Nos. 490 and 491. [2] No. 493. [3] No. 492.

[4] The draft sent to Mr Attlee was the same as No. 504. [5] Appendix 2 to No. 468.

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We thought that it would be desirable for the Directive now to be taken in the Cabinet as early as possible. The three of us have to see The King at 1 o'clock on Friday. I send you a separate Minute about this but we felt that if you felt able to take the Directive as an early item on Friday's Cabinet it would be advantageous to us to know the Cabinet's views before we see The King. We should have to leave the meeting at about twenty minutes to one at the latest.

I am sending copies of this Minute to the President and the First Lord.[6]

PETHICK-LAWRENCE

[6] On 7 March Mr Attlee minuted: 'I agree'. L/P&J/10/21: f 159.

502

Lord Pethick-Lawrence to Mr Attlee

L/P&J/10/21: ff 165–6

TOP SECRET INDIA OFFICE, *6 March 1946*

Secretary of State's Minute: Serial No. 25/46

Prime Minister,

I showed to my colleagues on the Cabinet Delegation your note[1] on my Minute of the 4th March, No. 22/46, regarding what you had told The King about Indian Policy. We discussed what we should say to The King.

We think that we should make it clear to The King that if India does decide to become an independent State this will of course affect The King's position and title.

We also propose to tell The King that whether India after attaining self-government remains within the Commonwealth or not it will not be possible to maintain the existing relation between the Crown and the Indian States, since if British India is fully self-governing our ability to carry out our obligations to the Indian States will be considerably weakened and may ultimately entirely disappear.

We thought that we should prepare His Majesty's mind somewhat for discussion of these matters and we should like, if you have no objection, to send him the Draft Directive and say that at our Audience we would explain to him its implications. I enclose the draft[2] of a letter I would propose to send to Lascelles for this purpose.

I am sending copies of this Minute to the President and the First Lord.[3]

PETHICK-LAWRENCE

[1] No. 497. [2] Not printed but see No. 505.

[3] Later on 6 March Mr Attlee minuted: 'I agree'. L/P&J/10/21: f 160.

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503

Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/S&G/7/904: f 159

IMMEDIATE NEW DELHI, *6 March 1946, 11.5 pm*
Received: 6 March, 8 pm

No. 542–S. Reference Wylie's letter dated February 19th[1] and para. No. 5 of my letter dated February 27th[2] about possible victimisation of officers who put down rebellion in 1942. Home Member and I agree with Wylie that we must be absolutely firm on this issue when Congress Ministries come into power. It is most likely to arise in the United Provinces but may easily come up elsewhere also. Azad's attitude when I mentioned matter to him was reasonable and I do not think Congress opinion at present would be in favour of a general witch hunt. Each case would of course have to be considered on its merits by Governor in his individual judgment, either by virtue of Section 197 of Code of Criminal Procedure (which as adapted is specific and not in terms Wylie quotes) or by virtue of Section 52 (I) (C) of Constitution Act. Even where there is genuine evidence that officers exceeded their powers, I do not think that so long after the event a Governor should give sanction. I would not exclude possibility of allowing officers particularly unacceptable to Congress Ministries to take proportionate pension in advance of date already fixed. But otherwise I think that Governors must give protection, and I propose, if you agree, to inform Governors of all provinces accordingly. I would not however give formal direction under Section 54 of Constitution Act, as I am advised that it is not necessary. Please telegraph reply.

[1] No. 447. [2] No. 477.

504

Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/10/21: ff 151–3

IMMEDIATE INDIA OFFICE, *7 March 1946, 3.45 pm*
TOP SECRET

4722. Superintendent Series. Your telegrams 517–S and 5–U.[1]

I take first paragraph 5 of your telegram 517–S. Directive is of course only intended to lay down certain basic points which must be secured in any contingency or at least from which Delegation must not depart without Cabinet

[1] Nos. 490 and 491.

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approval. Apart from these Delegation will have power to act without reference back. As indicated in opening words it is within existing declarations of policy and consequently it does not need to refer specifically to intention to set up a Constitution-making Body. Words "method of arriving at the new constitutional structure" were used to cover the possibility of more than one Constitution-making Body being necessary. It is clear, however, that any attempt to set up such machinery will lead at once to requests for assurances that we will implement the decisions so arrived at. This will clearly lead to discussion of subjects referred to in (a) to (d) of paragraph 5 of Directive and we may have to make definite commitments in regard to them.

2. With regard to paragraph 3 of your 517–S I fear I cannot add anything to paragraph 5 of my telegram 4101.[2] The Cripps Offer publicly contemplated a form of ultimate self-determination for the Muslim majority Provinces and unless preliminary conversation led us to form the view that a large section of the Muslims were luke-warm about Pakistan we could not contemplate going back on this broad principle.

3. As regards Defence, we have asked[3] the Chiefs of Staff to provide before we leave an appreciation of our defence requirements in a settlement of the Indian problem taking into account the possibility of partition. You may be sure that we are fully alive to possible repercussions of partition beyond frontiers of India.

4. We accept amendments proposed in your paragraphs 2, 3 and 5 of your 5–U. As regards the last of these we shall omit words "and commercial" since it has already been conceded that whole question of commercial safeguards must be dealt with in separate freely negotiated agreement between United Kingdom and new Indian Government. "Financial" is intended to include Service pensions. As regards your paragraph 4 we can judge this best when Chiefs of Staff's views are available. I am glad to know you take this hopeful view but it will depend on how essential the Chiefs of Staff consider military provisions in Treaty to be whether we can risk putting it to the test. It may be that Indians while welcoming our assistance would be difficult about our requirements financial and other for employment of British troops in India.

5. I observe that under Rau's Draft Treaty[4] paramountcy is handed over to an Indian Minister. This seems to us unsound in principle and is contrary to express statements made by Cripps on this point. Paramountcy either rests with us or ceases to exist and the latter is the natural and inevitable result of India becoming autonomous.

6. Time-table. Programme for interviews suggested in your 518[5] seems to us generally satisfactory except that we should allow full morning each for interviews with Congress and Muslim League and perhaps less than an hour

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for some of the less important. We of course agree that you would be with us at these interviews. We would like if possible to expedite programme by taking at least one interview each day in the afternoon between 5 and 7. We should like those you name to attend for Congress and Muslim League provided you are satisfied that we can nominate who should come from Congress and Muslim League? Is it really necessary for us to see all these people separately? I should think that a considerable amount of time could be saved by grouping them and leave this to your discretion. Grateful if you would issue advance warning to those concerned of approximate dates at which we shall wish to see them. On this programme we should reach decisive phase by 17th April and would hope to conclude proceedings in another month. It seems unlikely that you will be able to finalize the new Executive until main issues are settled so that we should hope that you would be able to form it in May. I hope your colleagues can be persuaded to hold the fort effectively until then.

[2] No. 472. [3] No. 486. [4] Enclosure to No. 403. [5] No. 492.

505

Lord Pethick-Lawrence to Sir A. Lascelles

L/P&J/10/21: f 158

TOP SECRET INDIA OFFICE, *7 March 1946*

My dear Lascelles,

His Majesty is giving an audience to the President of the Board of Trade, the First Lord of the Admiralty and myself on Friday at 1 o'clock. We think that The King might like to see before our audience the enclosed draft of the Directive which it is proposed should be given to us by the Government. It has not yet been taken in the Cabinet but will be considered very soon. We shall be glad to explain to His Majesty orally the implications of this Directive, but there are two to which I think I ought to draw your attention in advance.

The first is the issue of independence to which, of course, Indian leaders attach immense importance. In 1942 the Draft Declaration which Sir S. Cripps took to India provided machinery for setting up a new constitution for India within the Empire but specifically provided that there would be nothing to prevent India seceding and she could of course have done so immediately the new Constitution came into being. This question is likely to come up again at an early stage in our Mission and we feel that it would be a mistake to insist on a new constitution being within the Commonwealth if that is likely to be a stumbling-block. We think there will be a better prospect of India remaining in the Empire if when we are asked about this we say that if they want to be independent from the outset they can be.

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The second question is our relations with the Indian States. We are quite clear that if British India becomes completely self-governing it will not be possible for the existing relations of the Paramount Power and the Indian States to remain unchanged. We should not be in a position to carry out our obligations under the Treaties between the Crown and the States. It may be that the difficulties of this situation may be eased by the fact that the States voluntarily join in the new Indian constitution or by recognition by them that the obligations have become by force of circumstances undischargeable. But the outcome of this may well be that the close personal ties between the Indian Rulers and the Crown are greatly modified and possibly ultimately eliminated. You will observe, however, that in the Directive it is provided that we shall not, in any case hand over paramountcy to an Indian Government.

Yours sincerely,
PETHICK-LAWRENCE

506

Sir A. Lascelles to Lord Pethick-Lawrence

L/P&J/10/21: f 146

SECRET BUCKINGHAM PALACE, *7 March 1946*

My dear Lord Pethick-Lawrence,

I will lay before The King at once your letter[1] to me of today with the enclosure. This information will be most helpful to His Majesty, who I know will be very grateful to you for sending it.

Yours sincerely,
A. LASCELLES

[1] No. 505.

507

Cabinet Paper C.P. (46) 96

L/PO/6/114: ff 83–5

CABINET DELEGATION TO INDIA

NOTE BY THE SECRETARY OF THE CABINET

CABINET OFFICE, S.W.1, *7 March 1946*

The Prime Minister has directed that the circulation of the attached Paper (C.P. (46) 96) shall be confined to members of the Cabinet. He asks that

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Ministers receiving copies of the paper should take special care to safeguard its secrecy. By the Prime Minister's direction all copies of the paper will be recovered after the meeting of the Cabinet at which it is considered, (tomorrow Friday, 8th March, 1946).

E. E. BRIDGES

MEMORANDUM BY THE SECRETARY OF STATE FOR INDIA

INDIA OFFICE, *7 March 1946*

I circulate herewith by direction of the Prime Minister, a proposed Directive to the Cabinet Delegation to India.

P.-L.

PROPOSED DIRECTIVE

TOP SECRET

1. In pursuance of the policy laid down by the Government declaration of 1942 and subsequently elaborated, your purpose is to secure agreement amongst the Indian leaders as to the method of arriving at the new constitutional structure for India and the setting up of an interim Executive. You should discuss and explore all possible alternatives without proceeding upon any fixed or rigid pre-conceived plan.

2. You should pay every attention to the claims and anxieties of minority parties, and do your utmost to obtain their consent to any agreement. But you are authorised to come to an arrangement within the terms of this Directive with those whom you consider to represent best the views of the major political parties and provinces, and the Government will be prepared to take the necessary steps to give effect to the arrangements so come to.

3. It is clear that the whole position as between the Paramount Power and the States must of necessity be altered by the change in the status of British India. Therefore the Indian States must if possible be brought into such an arrangement, but in the last resort it may be necessary to leave over the form of their eventual participation and to proceed upon the basis of British India alone.

4. It should be made clear to the Indian leaders that whatever arrangements are made under the United Nations whether regionally or otherwise between Great Britain and India for the defence of India against external aggression, British Forces will not be available for purposes of internal security when the new system of government is fully in operation. Any individual British Service personnel who serve with the Indian Forces will do so on a contractual basis.

5. You have liberty to say that His Majesty's Government will be prepared to recommend to Parliament any constitutional arrangement for the granting

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of independence and self-government to India, provided that it incorporates the following cardinal points:—

(a) Some form of protection must be included either by constitutional or treaty provision for the protection of religious and racial minorities.
(b) Satisfactory provision must be made for the defence of India and the Indian Ocean area.
(c) Paramountcy must not be handed over to an Indian Government.
(d) A satisfactory means must be devised for winding up the financial position of India and Great Britain arising out of the present regime.
(Note: It is for consideration which of the above conditions should be embodied in the Constitution itself or incorporated in treaties or agreements entered into between the two countries as a condition of a constitutional settlement or otherwise).

6. It should be understood that negotiations for a treaty of friendship will follow upon the institution of the new constitutional structure. Similarly for a commercial treaty if not already negotiated during the transitional period.

508

Lord Pethick-Lawrence to Mr Dalton

L/P&J/10/21: ff 154–5

SECRET INDIA OFFICE, *7 March 1946*

My dear Hugh,

I and my colleagues on the Cabinet Delegation to India have been considering in conjunction with the Prime Minister what are the fundamental essentials that we must obtain in a settlement of the Indian question. The outcome of our consideration will be put before the Cabinet by the Prime Minister very shortly. It may possibly be on Friday morning.

One subject which came up in this connection was whether we should insist on the new Government of India formally accepting by a provision in the Treaty an obligation to meet the pensions of the Indian Services including such compensatory pensions as may have to be granted to those now in the Service whose careers come to an end through constitutional change.

It may well be that the future Government of India should be called upon to accept a general obligation to honour the terms of service offered by the present regime to Government servants of all categories. There are, however, the following categories to whom we have special obligations:

(a) Those appointed by the Secretary of State under terms of service approved by him and subject to his control. This covers not only the

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I.C.S., the Indian Police and the smaller All-India Services such as the Indian Service of Engineers, the Indian Educational Service etc., which are now moribund, but also European officers of the Indian Military Services and a small number of others appointed on contract by the Secretary of State. The I.C.S., the Indian Police and the other All-India Services contain both European and Indian officers.

(b) European members of all other Indian Services who, on retirement, draw their pensions outside India.

In our discussions we were agreed that obligations of this sort must be honoured.

It happens, however, that these special categories are precisely those in regard to which Indian leaders tend to hold strong views. You will no doubt wish us to attempt to secure agreement that the Treaty shall contain an undertaking that *all* pensionary obligations, including those of the special categories, will be honoured, but we certainly do not feel that we could press the Indians upon this to an extent which would cause the breakdown of the negotiations. We conceive, therefore, that circumstances may well arise in which it is necessary, in order to secure a settlement, that H.M.G. should themselves take over the obligations falling into the special categories described above. We cannot give an accurate estimate of the amount involved, but the scheme worked out on a somewhat different basis in 1943, which anticipated sterling payments aggregating about £300 million spread over the next eighty years, is probably a good enough guide to the order of magnitude of the sum which might be involved.

We have, of course, in the sterling balances a substantial collateral security against default by the Government of India on these obligations, and it may be that when we come to negotiate about the balances, the Indian negotiators will make some proposition in regard to these pensionary liabilities. But our position in any such negotiation would have been weakened if we had in the forthcoming constitutional discussions indicated that we would take over this liability, unless we had simultaneously made it clear that a suitable adjustment of the sterling balances would be required. The Indians would no doubt want to regard this as an "adjustment" under sub-paragraph (c) of paragraph 10 (i) of the Washington Agreement, and perhaps this would give no serious difficulty, but the question of the rate of interest at which such future obligations should be discounted would be more troublesome. Under the 1943 scheme, which assumed 3% interest, the present value of the sum of £300 million mentioned above became about £150 million.

I think that the Cabinet Delegation ought to have your views about this before they go. It would be much better of course from the political standpoint not to have to press a claim of this sort, and in view of the immense issues at stake I hope you will consider sympathetically the idea that H.M.G. should

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take over these pensionary obligations in return of course for the cancellation of some part of the sterling balances.

I should also like to know whether you think that similar treatment should be given to the residual £10½ million of Indian sterling debt raised in the past by the Secretary of State in Council.

I realise that I am raising a large question at short notice for which I apologise.

Yours sincerely,

PETHICK-LAWRENCE

509

Cabinet C.M. (46) 22nd Conclusions, Minute 3. Confidential Annex

L/P&J/10/21: f 135

Those present at this Meeting held in the Prime Minister's Room, House of Commons, S.W.1, on 8 March 1946 at 11.15 am were: Mr Attlee (in the Chair), Mr Herbert Morrison, Mr Ernest Bevin, Mr Hugh Dalton, Sir Stafford Cripps, Mr A. V. Alexander, Lord Jowitt, Mr J. Chuter Ede, Viscount Addison, Lord Pethick-Lawrence, Mr J. J. Lawson, Viscount Stansgate, Mr J. Westwood, Mr G. A. Isaacs, Mr E. Shinwell, Miss Ellen Wilkinson, Mr Aneurin Bevan, Mr T. Williams

INDIA

Draft Directive to Cabinet Mission

(Previous Reference: C.M. (46) 16th Conclusions, Minute 7)[1]

The Cabinet had before them a memorandum (C.M. (46) 96)[2] covering the draft of a directive to the Cabinet Mission to India.

The draft gave the Mission liberty to say that His Majesty's Government would be prepared to recommend to Parliament any constitutional arrangement for the granting of independence and self-government to India, provided that it incorporated the following cardinal points:—

(a) Some form of protection must be included either by constitutional or treaty provision for the protection of religious and racial minorities.
(b) Satisfactory provision must be made for the defence of India and the Indian Ocean area.
(c) Paramountcy must not be handed over to an Indian Government.
(d) A satisfactory means must be devised for winding up the financial position of India and Great Britain arising out of the present regime.

THE SECRETARY OF STATE FOR INDIA said that the advice of the Chiefs of Staff was being sought on the point noted in paragraph (b) above.[3] As

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regards (d), the financial settlement involved important issues. It would be necessary to provide amongst other things for the service of various loans, for the payment of civil and military pensions and for the disposal of India's accumulated sterling balances.

THE PRIME MINISTER explained that it would not be the duty of the Mission to enter into detailed discussion of these financial points, which would be a matter for subsequent negotiation between the United Kingdom Government and the Succession Government in India. There could be no question of offering at this stage concessions on the financial side in order to secure a political settlement.

The Cabinet—

Invited the Prime Minister to issue a directive to the Cabinet Mission to India in the terms of the draft attached to C.P. (46) 96.

[1] No. 441. [2] No. 507. [3] No. 486.

510

Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/23

PRIVATE AND SECRET INDIA OFFICE, *8 March 1946*
Received: 12 March

Thank you for your letter of 27th February.[1] Just after I last wrote, the Prime Minister finally decided to send Ben Smith to Washington—he has I understand sent a telegram to Mudaliar, repeating it to you, to make it clear that this decision was largely in response to a personal appeal from Mudaliar himself—and I hope the Delegation will appreciate the gesture. Bevin is also taking a strong personal interest in getting our case across to the U.S. Government; it is at his instance that I have been pressing you further in the last few days about the extent to which we can plan ahead and show the Americans that we are ourselves making every effort to stimulate Indian food production to the maximum extent. I have also been pressing Dorman-Smith very hard on the subject of rice production.

2. I mentioned, by the way, in paragraph 4 of my letter of 15th February,[2] that, during their stay in this country, the Delegation would be treated as Government guests. In the exceptional circumstances at present existing in London I am very glad that it was possible for such arrangements to be made, and I hope that they found the accommodation provided satisfactory. I should

[1] No. 477. [2] No. 436.

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perhaps warn you, however, in case of misunderstanding, that this should not be treated as a precedent for future occasions. I understand that the normal rule in such cases, which applies to the Dominion Governments as well as to the Government of India, is that the expenses of Missions visiting this country should be met by the Governments concerned.

3. I quite accept what you say about the risks we are running in the effort to preserve a satisfactory political atmosphere in India; nor is it surprising that many experienced officials should apprehend total loss of control, in face of the occurrences of the past few weeks. I can also well imagine the difficulty you must have in keeping your temper and your sense of humour when interviewing such visitors as T. K. Ghosh. But I think we are all agreed that these risks must be run and that we must go to the utmost limit to secure an unprejudiced reception of our joint efforts in the coming weeks. All that you say confirms the wisdom of sending out the Cabinet Mission without delay, and accentuates the sense of urgency with which one approaches the task.

4. Wylie's letter[3] about victimisation of officials to which you refer in paragraph 5 raises issues so vital and so likely to come to the front while we are in India, that I think I shall have to discuss them with my two colleagues, and no doubt with the Prime Minister also, before we leave. Your telegram[4] on the subject reached me yesterday and I shall be replying urgently.[5] This question of course has already been before us in connection with the possibility of some indemnifying legislation; I am refreshing my memory of that discussion[6] and will of course take full account of any views which my officials express. My preliminary comment would be that each alternative—either refusal to allow punishment for actions which no provocation can really excuse, *or* failure to protect officials on whose staunchness the very fabric of our administration rests—involves consequences which are alike abhorrent.

5. It is a great pity that the results of the Punjab elections offer such slender prospects of stable government. I accept all you say in paragraph 6 about the record of the Unionist Government, but it was no doubt inevitable that a record based on a non-communal policy should prove a poor recommendation to electors in the present communally-charged atmosphere. What effect, precisely, do you judge that these results will have upon Jinnah's position? That, no doubt, will be among the subjects for discussion between us when we meet.

[Para. 6, on staff adjustments on Indian railways, omitted.]

7. I will certainly telegraph, as you ask, if there is any advance in respect of passage allocations. I have made strong representations to the Minister of War Transport since I last wrote—supported by figures elaborated with the help of your Civil Passage Controller—and Monteath has pressed Hurcomb the chief

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official at the Ministry. I sincerely hope that progress may be made before I leave. My hand has of course been strengthened by your private telegram No. 512-S[7] of the 2nd March, which I can if necessary bring to the Prime Minister's notice.

8. I feel bound to raise, while I am on the subject of passages, the case of Brailsford and his wife, about whom we had some correspondence in the autumn (paragraph 7 of my letter of 23rd November refers).[8] He writes that he saw Abell recently and was—very properly—informed by him that there was no prospect of passages for them by the time for which their return is scheduled (probably mid-April) unless some special priority were accorded. As I originally sponsored their trip Brailsford naturally refers to me, and after taking advice here I think that I can reasonably ask that they should have priority. Brailsford himself is clearly eligible on professional grounds, since he went out on a tour of limited duration for journalistic purposes, outside the ordinary categories; his job being completed, his return should be assured. As regards his wife, it was established at the time of their departure that she should travel with him, and he could hardly be asked to return without her. In these circumstances, I hope you will agree to have passages secured for them without unreasonable delay.

9. I saw Monckton on Wednesday. I do not think he told me anything which would be news to you and your Political Adviser. I understand from Patrick that Corfield would be inclined to deprecate another visit to India by Monckton at this juncture, but I gather that the Hyderabad Government are pressing him to go, and he has made it quite clear, both to them and to us, that he would not in any circumstances consent to appearing in any way as their *advocate vis-à-vis* of ourselves. He would merely be a confidential adviser of the Hyderabad Government on constitutional questions—largely internal—and I am sure his advice would be better than any other they are likely to get. A further point is that Cripps favours the idea of his going. I think it is clear we cannot put a spoke in his wheel if in fact he is persuaded by the Nizam's Government to go. I understand that the real question is whether they can pay enough to make it worth his leaving his exceedingly lucrative practice here.

10. An all-Party meeting of Members of both Houses was held on Tuesday evening to hear the views of the Parliamentary Delegation, and I was asked to take the Chair. It was a real success, much interest being taken in the Delegation's widely differing impressions and a friendly atmosphere prevailing.

[3] No. 447. [4] No. 503. [5] No. 511. [6] See No. 404.

[7] Reporting that Lord Wavell had seen members of the European Group in the Central Legislature that day who had pressed strongly for more passage accommodation particularly on account of the law and order situation. L/PO/10/18: f 242.

[8] No. 231.

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Remembering the cold water poured on the project in its early stages by many people over here, and the prophecies that nobody in India would take any notice of them, I found the proceedings most encouraging. Indeed I was able to say, when I wound up, that the success of the tour was a good augury for the visit of our Cabinet Mission—adding that the comments of the individual members on the various aspects of the Indian problem, as they saw it, showed how delightfully simple the Mission's and the Viceroy's task was going to be!

11. Henderson tells me that he has been asked whether it is not time that Jai Prakash Narain, whose case is no doubt familiar to you, should be released from detention in the Punjab, and Sorensen has especially pressed this point. Apparently the latest information we have in the Office about this case is that contained in the Home Department's telegram of the 29th January, No. 945.[9] This was to the effect that a decision had been taken not to prosecute and that the effect of this decision on Narain's continued detention was being considered. Could you kindly let me know what the present position is?

12. You ask in paragraph 16 what has happened to the United Kingdom High Commissioner in India. He is not *spurlos versunkt*,[10] and there has been no avoidable delay in preparing the ground for the appointment. But the preliminaries are complicated as they affect various departments here and the nature of the duties to be undertaken needs careful consideration. I referred in paragraph 10 of my letter of the 4th January[11] to the arrangements proposed here for the channel of his responsibility to His Majesty's Government. These arrangements have since been approved by the Prime Minister and the necessary administrative preparations for the appointment are being taken in hand. Arising out of the latter there are two points in particular on which at this stage I should greatly welcome your preliminary views. One is the question of accommodation for the High Commissioner. I feel sure you will agree that it is of the highest importance on grounds of prestige that the High Commissioner should be housed in a manner fully adequate to his status and to the proper discharge of his functions. This is a view which we shall have to get across both to the Treasury, who will pay, and the Office of Works, who will be responsible for the building and its furnishings. I imagine however that it will be out of the question to undertake the erection of a new building for this purpose at the present time. If that is your view, is there any suitable existing building which could be earmarked for the purpose and made available for the High Commissioner, say in the early autumn (though I cannot at present say when he is likely to be appointed and able to take up his duties)? And could any tentative estimate be given of the cost to His Majesty's Government of such a building?

The same factor of prestige enters into the other point on which I should be glad to have your views,—that of the official precedence of the High

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Commissioner. I think you will agree that the representative of His Majesty's Government in the U.K. in India should be accorded a special precedence (on the analogy of H.M. representatives in Egypt and Iraq) rather than that the Dominion precedent should be followed, which is based on the practice in this country, whereby High Commissioners rank below all Ambassadors, Ministers and Envoys. I should be glad to know what you recommend, having regard to the position already accorded in India to the Australian High Commissioner and the American and Chinese representatives who, I understand, are given courtesy precedence in Article 9 of the Warrant immediately below Members of the Executive Council.

PS.—I am afraid it must be very awkward for your Military Secretary to have to turn out of his house for the Cabinet Delegation. I hope you will let him know that we are conscious of the inconvenience we are imposing on him, and much appreciate his co-operation.

[9] L/P&J/8/471: f 33. [10] See No. 477, note 7. [11] No. 331.

511

Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/S&G/7/904: f 160

IMMEDIATE INDIA OFFICE, *8 March 1946, 10.20 pm*

No. 4886. Your telegram 6th March No. 542-S[1] about possible victimisation of members of services. I agree that we must do all we can to protect services from malicious prosecution and other methods of harassment. I should prefer to do this by means of Gentleman's Agreement with political parties. I hope therefore it may be possible to hold matter in abeyance till Mission arrives. If in the meantime the question arises in an acute form I should hope the Governors might induce Ministers to hold their hands until they and the leaders of their party have had an opportunity of discussing it in a friendly spirit with you and ourselves.

[1] No. 503.

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512

Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/10/21: f 137

IMMEDIATE
TOP SECRET

NEW DELHI, *11 March 1946, 12.25 am*
Received: 10 March, 9.30 pm

No. 576-S. Superintendent Series. Your 4722[1] of March 7th. I have shown directive to Commander-in-Chief, Home Member and Political Adviser and discussed it with them. I submit following additional comments.

2. The wording of paragraph 2 is open to criticism, since it is not very clear what is line of definition between "minority" and "major" parties. While I think I understand the intention of the paragraph, it is certainly likely to give rise to variety of interpretation if ever published. Is it meant to be intentionally vague?

3. I agree about paramountcy (paragraph 5 of your telegram). Political Department reject Rau's draft on this point and it will be amended. I do not think it need be mentioned in paragraph 5 of directive.

4. Generally, the conditions in paragraph 5 should be only those for which we are prepared to risk a breakdown, with consequent necessity of putting down a mass movement, another period of repression and indefinite postponement of handing over. This will mean such an unlimited and dangerous military commitment that I am sure we must not risk breakdown on the matter of military demands. It is the firm belief of myself and of the Commander-in-Chief that Indians themselves, once they are assured of our willingness to grant them independence, will approach us for assistance, while if we insist on detailed military conditions now their suspicions may cause breakdown. Commander-in-Chief is leaving for the United Kingdom tomorrow and I think you and Chiefs of Staff should discuss this point with him.

5. I should prefer first sentence of paragraph 6 to read, "After institution of new constitutional structure His Majesty's Government will be prepared to negotiate a treaty of friendship."

6. You will realise what risks we have been taking and are taking to carry out the present policy, which nothing short of a determination to hand over power can justify. We cannot therefore afford to drive too hard a bargain and we must be clear how far we are prepared to go on the Pakistan issue.

7. The "broad principle" of Cripps' offer is not in my view enough. The real issue between Congress and the League is not repeat not that of

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self-determination for Moslem majority provinces but whether, and if so how, Bengal and the Punjab should in the last resort be partitioned. This is the point on which a provisional Cabinet decision seems to me necessary.

[1] No. 504.

513

Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/8/525: f 90

IMMEDIATE NEW DELHI, *11 March 1946, 9.55 pm*
TOP SECRET *Received: 11 March, 7.40 pm*

No. 581-S. Superintendent Series. 1. Governor (?omission) has asked for indication of provisional plans for solution of constitutional problems. He feels that unless there is opportunity of previous consideration it will be difficult for Governors to give best advice in the short time available (?on) 28th and March 29th.

2. I propose, if you agree, to inform all Governors of the nature of plan I put forward and to make it clear that the Cabinet Delegation are not committed to this or any superficial plan but will first attempt to secure agreement and in default of agreement will decide what course to follow in order to achieve stated objective.

514

Mr Abell to Mr Clauson

L/P&J/8/472: ff 102–6

THE VICEROY'S HOUSE, NEW DELHI,
11 March 1946

My dear Clauson,
H.E. asks me to send you, for the information of the Secretary of State, the enclosed note by the Governor of the Punjab about the formation of a ministry there.

Yours sincerely,
GEORGE ABELL

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Enclosure to No. 514

CONFIDENTIAL *7 March 1946*

Formation of a Ministry

I had a fairly long interview on March the 6th with the Nawab of Mamdot, the leader of the Muslim League Party. I had received from him two letters—one on the afternoon of the preceding day and one on the morning of March the 6th itself. In the first of these two letters he contended that the Muslim League Party, as being the largest single party and also the representatives of the Muslim majority in the Province, should be given the right of being invited to form a Ministry; if this action were taken, they would be able to "consolidate and stabilize the support of the majority in the Assembly". In the second letter the Nawab had written that the Muslim League Party had now, thanks to four more accretions, risen to a total of 79 and that he had definite assurances of support from 10 non-Muslim members; he could thus definitely command a clear majority in the House.

I read out to the Nawab the note[1] which I had recorded of our previous conversation. He assured me that this was a correct record. I said that his letter[2] of the 5th of March did not appear to be quite consistent with the impression that he had given me about his unwillingness to try to form a Ministry unless he had a clear majority. I also explained the instructions in accordance with which I had to act; if any party or coalition of parties turned out to be in a position to command a majority in the Assembly, there appeared to be no option whatever but to invite the leader of that party or coalition to form a Ministry, irrespective of whether the group concerned included the largest individual party or not. The Nawab said that he understood this. He acknowledged that when he had seen me last he had expected to be able to indicate in a day or two that he would command a clear working majority and that he had relied mainly on inducing the Panthic Party to enter on a coalition. He said that these negotiations had broken down because the Panthic Party had asked him to define the area to be set apart as "Khalistan"—a demand with which he found it was impossible to comply. I said that I fully realised his difficulty in meeting any such demand; in fact there was no denying that in view of the Muslim League's declared programme it could scarcely be an easy matter to persuade any non-Muslims to coalesce with them. The Nawab agreed that this was the case.

He contended that in spite of the intransigence of the Panthic Party he could command the support of about 87 members of the Assembly. This number was made up as follows:

Muslims—78. This is an addition of three to the original numbers. Two of the accretions (from D. G. Khan and Multan) are, it appears, undoubtedly authentic. The third (also from D. G. Khan)

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	is not fully authenticated, but appears to be sufficiently probable to be counted. The fourth whom the Nawab had originally claimed, thus bringing his Muslim numbers to 79, he now excluded, as the individual concerned (from Muzaffargarh) had now put in a statement, which had been quoted in the Press, saying that he still adhered to the Unionist Party.
Hindus—2.	These were two Unionists from the south-east of the Province, but the Nawab withdrew these on my showing him a letter signed by both of them saying that they had decided to adhere to the Unionists.
Scheduled Castes—4.	The Nawab was not very definite about these, as he said that the Scheduled Caste representatives had been "driven out" of Lahore. On my questioning him about this he said that no contact could be made with them individually, as they had left Lahore either of their own accord or under persuasion, but he had been assured of their support by a well-known leader of the Scheduled Castes.
Indian Christians—2.	The Nawab said he was certain of one of these at least.
Sikh—1.	This, I understand, is a gentleman called Sardul Singh.
87.	

I told the Nawab that some of his claims appeared to me to be distinctly doubtful. According to my calculations the Congress–Panthic–Unionist coalition were in a position to command already 90 or upwards. I said that I would do my best to check up on calculations. He would realise no doubt that precise exactitude might not be possible in all cases, as some individuals were clearly inclined to be volatile. I did not refer to reasons for changing their allegiance; the motives in certain cases were sufficiently obvious. I reminded the Nawab that if a Ministry was to be formed, action would have to be taken with as little delay as possible in order that the Budget Session might be completed by the end of the financial year.

Our conversation was entirely friendly—or so it appeared to me—and there was no unpleasantness. I was left with the impression, though I cannot vouch for its correctness, that the Nawab was *personally* not particularly anxious to form a Ministry in the circumstances in which he was placed.

I saw the leaders of the Coalition group (Malik Khizar Hayat Khan, Lala Bhim Sen Sachar and Sardar Baldev Singh) twice in the course of the day. They claimed that they had a clear majority and put their numbers already at about 94. These included—

[1] and [2] These items are not on L/P&J/8/472.

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Unionists—	17,	consisting of 11 Muslims, 2 Hindus and 4 Scheduled Castes.
Congress—	51	
Panthic—	23	
Indian Christians—	2	
Independent—	1	(R. B. Ganga Saran)
Total—	94	

After checking up the various claims, as far as it is practicable for me to do so, I should put the strength of the two groups as follows:—

Muslim League Party and adherents—

Muslims—	78
Scheduled Castes—	1
Indian Christian—	1
Total—	80

In computing their Muslim contingent at 78 I am giving them the benefit of one individual (from D. G. Khan) whose allegiance is not assured, but appears to me to be probable. As to Scheduled Castes, the four individuals attached to the Congress Party, will, to the best of my belief, remain firm. I do not think that the League will succeed in winning over more than one of the Scheduled Castes from the Unionist Party and even that is doubtful; the individual on whom the League were relying to use his influence is not in a position to exercise authority. As to Indian Christians, I do not see that the League can be credited with more than one; as a matter of fact I have since learnt that the particular individual on whom they were most surely relying has gone back on them. I do not see any chance of a Sikh member of the Assembly siding with the Muslim League—for the present at any rate.

As to the Coalitionists, I would compute their numbers at—

Unionists	15
Congress	50
Panthic	23
Independent	1
Indian Christian	1
	90

This means decreasing the Unionists' claims by two—on account of one Muslim who may be expected to go over to the League, though this is not an absolute

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certainty—also by one Scheduled Caste whose allegiance is not sure. The Congress Party must also be decreased by one, as one member (Diwan Chaman Lal), who also holds a seat in the Central Assembly, has put in his resignation from the Punjab Legislative Assembly and this means a by-election. The Panthic Group can, I think, stand at 23—as far as present indications go. The Coalition Party appear to have every prospect of securing the support of one Indian Christian at least—and they have a definite assurance from one Independent member that he will side with them.

On the above calculations the Coalition Party works out at 90—which is 10 more than what the Muslim League appear to have any right to claim—and amounts to a definite, though small, majority in the Assembly.

The remaining 5 seats are to be accounted for as follows:—

European ..	1	These cannot be credited to any party until a Ministry is formed, as their intention is to support whatever Government is in power, though their predilection appears to be in the direction of the Unionists.
Anglo-Indian ..	1	

The other three seats entail by-elections. In the case of the seat vacated by Diwan Chaman Lal there can be little, if any, question but that the Congress will be successful. It appears likely, though not certain, that the Unionists will retain the other two seats (vacated by Malik Khizar Hayat Khan, who is retaining the third seat, Khushab, which he successfully contested); these are Landlords' seats and non-Muslims as well as Muslims are included among the electors.

I have accordingly invited the leader of the Coalition group—this is Malik Khizar Hayat Khan as confirmed by Lala Bhim Sen Sachar and Sardar Baldev Singh—to assist me in forming a Ministry, and this has been given out to the Press.

B. J. GLANCY

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Cabinet Delegation to India. Paper C.D.I. (13)

L/P&J/10/21: ff 90–100

POLICY FOR STATES

Note by Lord Pethick-Lawrence

INDIA OFFICE, *11 March 1946*

I circulate a further note by my officials on this subject in amplification of C.D.I. (5).[1]

The present note illustrates some of the complexities of the relationship, political and economic, between the Crown and the Indian States which has

[1] No. 434.

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been progressively established over a period of 150 years or more. The growth of this relationship is effectively described in Chapter II of the Report of the Indian States Enquiry Committee (Financial) 1932 (Cmd. 4103). The Report quotes words of Lord Canning after the Mutiny of 1857 and the Crown's assumption from the East India Company of direct authority:—"The Crown of England stands forth the unquestioned ruler and paramount power in all India and is for the first time brought face to face with its feudatories. There is a reality in the suzerainty of England which has never existed before and which is not only felt but eagerly acknowledged by the Chiefs". From this time onward "this new unity of India under the Crown", the Committee say, "began to assume an economic as well as a political complexion. . . . When the co-operation of the States was required in the interests of all India it was freely and ungrudgingly given". They refer to the agreements made with States to secure the development of the railway, road and irrigation systems, an all India currency and postal service, the removal of barriers on trade by a multiplicity of fiscal systems, in particular the establishment of an all-India sea customs tariff and control of the taxation and production of salt. "In these arrangements", they say, "the co-operation of the States was forthcoming on terms which though occasionally resented as doing less than justice to individual interests, have proved to be of material benefit to India as a whole."

There is no Court in which the States can implead the sanctity of the engagements contracted with them by the Crown. We have however a moral obligation to see that these arrangements are equitably redrawn on the coming into existence of an independent India. The annual value to the States of the economic and fiscal rights which they have ceded for guaranteed compensation or have been allowed by us to retain as exceptions to the authority otherwise exercised by the Central Government is estimated at not less than £2,500,000. The least we can do is to ensure that the States are given twelve months' grace to negotiate new agreements, meantime retaining their existing rights.

We are not proposing that the successor Government should assume the political control over States heretofore exercised by the Crown except in so far as they may agree to join an all India Union. It is not to be expected that the transition from paramountcy control to constitutional government in the States will be brief or smooth. Under paramountcy it has been possible effectively to intervene to prevent gross abuse. Within the last three decades a number of bad Rulers, such as the notorious Nabha, Alwar and Rewa have been removed from the scene of their misgovernment and firm restraints have been imposed on the misrule of others such as the Nizam and Patiala. Intervention by an Indian Central Government in matters not agreed to be federal will necessarily be based on no sanction but that of superior force and may well occur on less disinterested grounds than those which have influenced the Crown Representative. It is all the more essential that the Rulers should be

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made to realise that their only security will now lie in the contentment of their people with their rule and that this can only be assured by their subjects' association in the fullest degree with the executive and legislative organs of the States.

P.-L.

SECRET

POLICY FOR INDIAN STATES

Matters for adjustment between States and an Indian Union

1. The 1942 Declaration stated that whether or not an Indian State elects to adhere to the constitution it will be necessary to negotiate a revision of its Treaty arrangements so far as this may be required in the new situation.

Sir S. Cripps in informal discussion with Princely representatives in India explained that H.M.G. had in mind in this context economic rather than political treaty arrangements. It would be open to States by abstaining from adherence to an Indian Union to remain under the Paramountcy of the Crown.

As a result of discussion in the India and Burma Committee during the Viceroy's visit considerable doubt has been felt about the Crown being able in the event of British India becoming self-governing or independent to continue to guarantee effectively the protection of Rulers against subversive movements and the question of a formal warning to the Princes accordingly has been raised with the Viceroy.

2. The brief by officials (C.D.I. 5) for the general handling of States issues in the forthcoming negotiations was based on the assumption that at some stage in the visit of the Ministerial Mission they would in agreement with the Viceroy authorise a formal warning to the Princes that H.M.G. may not continue to be able to fulfil all the obligations it now discharges as Paramount Power.

3. The present paper is intended to examine more objectively the nature of the obligations, political and economic, owed by the British Government to the States and of the reciprocal obligations owed by the States to the British Government, an adjustment of which to the new situation would have to be made. It is written on the assumption that Paramountcy would not pass by formal agreement from H.M.G. in the United Kingdom to the new Indian Government.

4. Without attempting an exhaustive statement the following are the main matters, (A) political and (B) economic, in which by treaty or agreement, as interpreted by usage and sufferance, obligations have been contracted between the Crown and the States which will require to be determined otherwise if British Paramountcy should cease to be maintained.

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A. (1) PERSONAL AND DOMESTIC

Successions. Normally the deceased Ruler's eldest legitimate or an adopted son succeeds as of right, whom failing succession is determined by the recognition of the Paramount Power, which not infrequently has to select its own choice from among agnates. Consideration is paid besides personal suitability to any wish expressed by the deceased Ruler, to the custom of the State and sometimes to the views of neighbouring or related Rulers. But responsibility rests with the Paramount Power, an authority outside the States.

The States have accepted this position with little reluctance as an alternative to the doctrine of lapse of territory to the Crown when direct heirs fail. Personal considerations militate against the passing by Rulers of immutable laws of succession and the existing practice ensures that in case of a disputed succession the Paramount Power takes responsibility for maintaining order during the interregnum before a successor is recognised.

Minority Administration. For similar reasons the Paramount Power has to provide for the administration of a State during minority (which may last for as long as twenty or more years). It is customary to associate the widow or a prominent member of the ruling family with the minority administration whether as Regent or otherwise but ultimate responsibility for the standards of administration and for the redress of grievances of the subjects rests during the minority with the Paramount Power.

The State and particularly the subjects accept this position with equanimity (even though it constitutes some check on constitutional advance in the absence of an authority capable of placing his sovereign powers at the disposal of a constitutional organ) because it provides stability and ensures the consideration of grievances.

Brief for Delegation

There being no question of this aspect of Paramountcy passing to a new Indian Government the choice appears to lie between

(1) so rapid a constitutional advance in States as will enable the people to pass binding laws of succession and to empower Ministers to conduct the administration during a Regency without need for external interference.

(2) agreement among the Princes to establish a Council whose determination of succession disputes shall be final and whose assistance in forming a Regency administration will be effective.

(3) empowering the United Kingdom High Commissioner with the technical assistance of Political Officers to accord His Majesty's recognition of successions and act as an intermediary with the succession Government and the Princes in obtaining suitable personnel when required to form minority administrations and armed forces when needed to maintain them.

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Solution (3) may be welcomed by the Princes pending the development of Solution (1).

(2) PROTECTION

(i) *The States' Contribution.* The States are under no general obligation to furnish troops or supplies for the assistance of the British Government. By custom however they are expected to afford facilities for the transport, etc. of troops transiting their territories; specific provisions to this effect appear in the *sanads* of many smaller States.

Tributes. In certain older Treaties there are provisions for supplying a subsidiary force to co-operate with the British Government. For these provisions have now as a rule been substituted money payments in the form of tribute. The respective purposes of the tributes are defined (Government of India Act Section 147 (5)) as

(a) in acknowledgment of His Majesty's suzerainty including tributes to meet the cost of military assistance;
(b) on the creation or restoration of a State (e.g. Mysore which pays nearly Rs. 20 lakhs);
(c) formerly paid to another State but now to His Majesty by right of conquest, assignment or lapse. The tributes now payable amount to about Rs. 70 lakhs in aggregate. They are due to the Crown but the Crown in fact makes them over to the Central Government as a set-off against the expenses of the Crown Representative in conducting relations with the States.

Ceded Territory. Certain States, notably Hyderabad, Gwalior and Baroda, agreed to cede territory instead of paying tribute in return for military protection. (The Government of India Act contains a provision whereby in the event of Federation the value of these territories might be expressed in the form of an annual payment to be accorded to the States which ceded them in order that the amount might be off-set against any payments due from these States requiring settlement on accession to Federation. It appeared however at the time that none of the States in question were prepared by accepting such payments to forgo their claim to special military protection acquired by cession of territory).

States Forces. States maintain armed forces at their own expense for the purpose of internal protection. Certain of these, which have been recognised by G.H.Q. India to be efficient, have been in peace-time subsidised by the supply of arms and equipment so as to become available by agreement in war-time for embodiment with the Crown forces on the Indian establishment. The whole arrangement is on a purely voluntary basis and does not constitute a Treaty obligation of the States to the Crown.

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Sea Customs. The States argue, though the claim has never been formally admitted, that by the levy of import duties at British Indian ports on goods entering their territories they (or rather their subjects) have paid their full share of the defence of India. The force of this argument has considerably weakened since the cost of defence has risen far beyond the yield of sea customs. It is nevertheless true that (except certain Maritime States which collect and retain their own sea customs and Kashmir which has a Treaty right to exemption from customs duty) the States make an appreciable indirect contribution to Indian revenues under this head.

(ii) *The contribution of the Paramount Power.* The forty treaties and other agreements with and *sanads* granted to States, and the practice applying to all States which is founded upon these, accord to the States, whether tributary or not, free military protection, external and internal, in return for their surrendering the conduct of their external relations to the British Government whether with foreign powers or with other Indian States. For the purpose of defence and external relations the States are in unique relations with the Crown. If H.M.G. convey a warning to the States that apart from external defence, which they may expect to obtain as part of India from a succession government, the Crown can no longer protect their governments from subversive activity directed against them from within or without the State, it will be necessary to decide in relation to the various aspects of protection at present enjoyed by the States how the gap so created is to be filled.

(a) *External defence.* The precise means of defending India against external aggression has to be considered separately. There can, however, be no question that as part of India the States will enjoy protection against external aggression in the same degree as the Provinces, whether or not they join an Indian Union.

(b) *Internal defence.* This must be held to cover protection against subversive activity directed from another Unit, State or Province, as well as from within the State itself. Such activity may range from a border dispute to the sending of *jathas* or the instigation of a rebellion. The Crown is responsible (Government of India Act Section 311) for defining what constitutes a State, and the Governor General is statutorily empowered (Section 286) to cause forces to be employed to assist the Crown Representative in the discharge of his functions. Short of the use of troops the Crown Representative may on the one hand for the protection of the Ruler ask the Governor General to use his powers to secure effective persuasion of elements of British India to refrain from molesting a State, or, on the other hand for the removal of the cause of disorder within a State he may tender informal or formal advice to a Ruler as to how he should administer his State for the better contentment of his

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subjects (e.g. he may require him to employ selected ministers or officials, to submit the annual budget for inspection or approval, or to refrain from personal interference in the administration). In certain States the Crown Representative has claimed to exercise direct jurisdiction under the Foreign Jurisdiction Order in Council thereby ousting the ruler's authority, executive, legislative and judicial, and substituting the authority of the Crown for the conduct of the administration. Intervention, in the sense of directions backed by force, is not normally resorted to except in cases of proved gross misrule. There is, however, in the *sanads* of many lesser States, and in the treaties of some more important ones, specific provision for obedience to the Crown Representative's advice. Thus the subjects of Indian States are accustomed to look finally to an outside authority for the ultimate redress of grievances.

Brief for Delegation

As regards obligations owed by the States to the Crown, it would be possible for these to be terminated by the States agreeing fully to participate in a Union of India which thereafter took responsibility for their defence as part of the Union. In that case their tributes to the Crown would cease to be payable. States which refused to enter the Union of India would also cease to pay tribute, and as a practical proposition those which have ceded territory would be unable to re-enter into possession of it; it seems clear that these territories now being under British rule and inhabited by British subjects must remain part of the Provinces in which they have for so many years been administered. A claim would no doubt be preferred by States for compensation in respect of their loss of territory, but this would be extremely difficult to get accepted by the successor Government since any monetary value previously attaching to these territories would be held by them to have been fully expended in according to the States the special protection for which they stipulated.

Non-acceding States, and also States which formed part of the Union, to the extent that they retained autonomy in respect of their internal administration, would have in future to look for internal protection:

(a) To the development of constitutional methods for redressing grievances and placing the ruler outside politics, and otherwise to efficient administration, training of police forces, or in the case of bigger States, of militia or armed forces capable of supporting the Government.

(b) To such assistance as the Union itself was willing to give on terms to State governments in suppressing disorder. In the case of federated States the Union would be as much interested in the maintenance of order as in a Province. In the case of an unfederated State there would be less

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incentive, but the existence of disorder in an area contiguous to the territory of the Union would be a matter of concern to its defence authorities.

(c) To such assistance as might be given on terms by other unfederated States.

It is possible that unfederated States might wish to make use of the good offices of the United Kingdom High Commissioner for the purpose of negotiating with the Union authorities for the military assistance they might require. This, however, need not necessarily carry with it a responsibility on behalf of His Majesty's Government for securing that assistance.

B. ECONOMIC AND FISCAL RELATIONS WITH BRITISH INDIA

The existing relations of the States with the Centre and the Provinces of British India are in all matters mediated by the Crown Representative through the Indian Political Department. Up to 1937 when the post of Crown Representative was instituted, these relations were conducted through the Governor-General in Council as the Agent of the Crown. However eminent legal opinion (Sir Leslie Scott and others) has advised the States that their relations have always been with H.M.G. in the U.K. and not with the Government of India as such.

It has been through a series of agreements with the Crown that the States have over a long period of years ceded for the use of the Governor General in Council land for railways and cantonments, rights to mine or tax salt, rights to collect land customs or transit dues, and rights to establish Imperial Post and Telegraph Offices in their territories. They have also ceded to the Governor-General in Council on behalf of the Crown where necessary civil and criminal jurisdiction to the extent required to enable his control of the ceded functions to be effective. On the other hand in a number of cases of which the details can only be compiled by reference to the Indian Political Department, the Crown has agreed to grant to States compensation by perpetual annual payments for the surrender of their rights. Further, the Crown has recognised the rights of certain States to import goods into their territories, and those of neighbour States, by sea, without payment of British India customs duties, and in the important case of Kashmir has granted a right to import goods overland through British India free of customs duties. The financial position in regard to each State arising from recognition of the rights in question, and contributions where due in the shape of tribute, was examined as part of the negotiations for the accession of the States to federation under the 1935 Act. The particulars required under Sections 147 and 149 would have been set down in the Instruments of Accession. States were permitted in their Instruments to except the rights specified from the operation of federal law in respect of matters which they accepted as federal. The Governor-General was empowered

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and would have been instructed to protect these rights in his individual judgment against encroachment by the federation over and above the protection to be derived from pronouncements by the Federal Court that action of the federation affecting these rights was *ultra vires*. The States, however, were given encouragement to seek rulings from the Federal Court as regards the existence or extent of a legal right under Proviso (A) (II) to Sub-Section 204 (I) rather than to rely on the Governor-General's protection.

Not all the rights claimed by States in relations with British India are related to matters within the legislative authority of the Centre. Some of these rights relate to Provincial matters, examples are the lease to a Province of the exploitation of State forests or an agreement that a Province may collect liquor excises in a State subject in both cases to compensatory payments. One of the more important rights in this category is the right of the Nizam of Hyderabad under the Berar Agreement of 1937 to receive an annual payment of Rs. 25 lakhs from the Crown Representative in return for his cession of jurisdiction in Berar and agreement that it should be administered as a part of the Central Provinces.

Brief for Delegation

1. It will be for States to make their own bargain with the representatives of British India in the Constitution-Making Body about the terms on which they would accede to a Union of India. They will no doubt seek to reserve some or all of the rights which were proposed to be specified in the terms of their accession to federation under the 1935 Act. In this it may be expected that their subjects will support their claims where the result is to diminish the extent of the financial liability of the State to the Union. They will also wish to reserve their existing rights to receive payments from the Centre or the Provinces such as the payment of Rs. 25 lakhs to the Nizam's Government. The terms of accession to federation finally proposed for the States were the result of a very careful scrutiny in departments of the Government of India of their claims. They were drafted with much legal assistance both from official sources and from eminent Counsel briefed by the States. To scrap these terms altogether would be to postpone indefinitely the conclusion of effective arrangements between the States and an Indian Centre. The Delegation might be advised to support their acceptance in principle by the representatives of British India with a view to regulating *ab initio* the accession of States to an Indian Union.

2. The Delegation might also support obligatory reference of any disputes regarding the interpretation of the terms of accession to a judicial tribunal. It will obviously be impossible to secure that the Governor-General should in future exercise a special responsibility for the protection of States' rights advised by the Crown Representative as to their existence and extent.

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3. The above method would enable terms to be settled in the Constitution-Making Body for the accession of the States, but it is not [to] be anticipated that the representatives of British India would be content with the position that these terms should remain sacrosanct for all time. They would expect to be able to secure their modification from time to time by direct negotiation with the States' Governments so as to reduce disparity between the fiscal and economic contribution of States and Provinces respectively to the Union. The States should be warned that they would have to accept this position.

4. States which refused to accede or which by their accession did not bring the authority of the Union to bear on particular matters in which they claimed rights (such as the payment under the Berar Agreement) would nevertheless require to arrive at some arrangement for a *modus vivendi* with the Union and the Provinces in respect of these matters.

5. It is recommended that

(a) It should be stipulated in the Treaty with the succession Government that all payments to States now made through the Crown Representative's Budget should be continued for one year from the date of establishment of the Union whether these States acceded or not, and that for the same period the States should continue to pay their tributes to the Crown to be handed over to Central Revenues. This would allow time for negotiation between the States and the succession Government.

(b) The U.K. High Commissioner should be empowered by the Treaty to specify from the information at the disposal of the existing Crown Representative the amounts of the payments in question, and to produce the terms of the agreements on which these payments are based. For this purpose the certified statements of the U.K. High Commissioner should be accepted by the judicial authorities of the Union as presumptive evidence of a legal right as between the States and the Crown.

Appendix to No. 515[2]

L/PO/6/115: ff 183–7

The following is a rough estimate of the total annual value of (a) contributions by certain States to the Crown, and (b) privileges or immunities of certain States, mainly related to matters within the executive and legislative authority of the Central Government as at present constituted. (The figures and estimates are taken from the Report of the Indian States Enquiry Committee, 1932).

(a) *Annual value of contributions from States*

(i) *Cash Contributions (Tributes)*

(For definition, see Government of India Act 1935 S. 147 (5). It will be

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noted that some but not all are directly connected with defence, the others are however indirectly so connected.)

	Rs. in lakhs	
Payments due to the Crown direct	72.02	
Payments due from other States but by the creditor State ceded to the Crown	5.25	
		77.27
(*Note*: The above total has, since 1932 been reduced by some Rs. 10 lakhs as a result of remissions of tribute.)		less 10.00
		say 67.27

(ii) *Value (i.e. estimated net value at date of cession) of Ceded Territories.* (See Government of India Act, 1935, S. 147 (2))

Hyderabad (1801)	(no estimate)
(For maintenance of "Subsidiary" Force of 8,000 infantry, 1,000 cavalry and guns.)	say 37.00
(*Note*: The Indian States Enquiry Committee note (paras. 106–113) that the ceded areas at the time of cession were expected to yield Rs. 71.81 lakhs. In 1801, the revenue was, however, Rs. 36.70 lakhs only. It rose to Rs. 60 lakhs in 1806 under British administration. As Hyderabad preferred to retain its right, under Federation, to the maintenance of the Subsidiary Force, no recommendation about the value of the cessions was made by the Committee.)	
Baroda 1802–1805–1817	22.98
(For maintenance of a "Subsidiary" force of 4,000 infantry, two regiments of cavalry, a company of European artillery and other artillery)	
(*Note*: The Committee estimate that at the date of cession the territories were worth Rs. 24.31 lakhs.)	
Gwalior 1803–1844–1860	11.78
(Claimed to be for maintenance of a "Subsidiary" force of 6 battalions of infantry with their complement of artillery, originally to be maintained outside, but later within Gwalior, and in 1860 a further subsidiary force to cost Rs. 16 lakhs p.a. and to be maintained outside the State.)	

[2] This Appendix was circulated separately by the India Office on 12 March 1946.

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(*Note*: The Committee dismiss the claim to compensation for the cession of 1803 which they hold to have been unconditional. In respect of the 1806 cession, they consider Rs. 16 lakhs to be the sum due, less certain amounts in deduction. Gwalior contests the interpretation of the Treaty as regards the first named force, and the figure for maintenance of the second named force.)

	Rs. in lakhs	
Indore 1818	1.11	
(For maintenance of a "field force" to maintain internal and external protection.)		
Sangli 1820	1.35	
(In lieu of obligation to furnish a contingent of horse to the British Government.)		
TOTAL estimated value of ceded territories		79.77
ADD Total Cash Contributions		67.27
Grand Total		Rs. 1,47.04

(*Note*: Only the total of cash contributions is an actual receipt of Central Revenues, being annually credited thereto by the Crown Representative. The estimated value of ceded territories to the British Government at the time of their cession has no relevance to their revenue producing value to-day. It is merely a figure recommended as the basis of compensation to States for retention of the territories by British India in circumstances in which cash contributions cease to be payable.)

(b) *Annual Value to States of "privileges or immunities"*. (For definition see Government of India Act, 1935, S. 147 (6))

(i) *Sea Customs*

Drawback of *Kashmir* from customs or goods imported by sea through British India	25.00
Sea customs collected at their ports and retained by 13 Maritime States	1,57.42

(*Note*: These figures, based on the returns of 1930–31, are probably now very unreliable having been affected by subsequent agreements with some States limiting the amount of customs duties to be retained on goods landed at their ports and by the war-time reduction of dutiable imports.)

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	Rs. in lakhs	
(ii) *Salt*	46.06	
((a) Value of production and sale of untaxed salt and (b) sums receivable in respect of abandonment or surrender of right to produce or manufacture salt or tax salt in transit or (c) sums receivable in lieu of grants of free salt.)		
(*Note*: The figure given includes certain specified payments to States, but it also includes estimates by the Indian States Enquiry Committee based on the current tax at Rs. 1/9 per maund of the sums receivable or the value of the immunity enjoyed in respect of free grants to States of salt, or the right of a State to produce and tax salt for its own benefit.)		
(iii) *Postal* (privileges in respect of free service stamps, or the free carriage of mail on Government business)		
6 States, whose official correspondence is carried by Government of India Postal Department free of charge	7.14	
27 States which receive free annual grants of service stamps	3.12	
(*Note*: The Indian States Enquiry Committee estimates these sums on figures supplied to them by the Government of India. They were unable to estimate the annual value to 10 States of maintaining their own separate Postal System without a Convention, and to 5 States of maintaining such a system with a Convention with the Government of India.)		
(iv) *Coinage and Currency*		
Hyderabad (in respect of issue of State currency notes)	17.00	
Total: (i) Sea Customs		1,82.42
(ii) Salt		46.06
(iii) Postal		10.26
(iv) Currency		17.00
Grand Total:		Rs. 2,55.74

(*Note*: The above figures are not exhaustive, since they do not include the annual payment of Rs. 25 lakhs to *Hyderabad* in respect of Berar, of Rs. 9,000 and Rs. 1,15,000 respectively to Kalat in respect of the Nushki and Nasirabad

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niabats leased to and administered by the Crown, and of various annual compensatory payments to States for the administration of their forces and liquor excises through a Provincial Government, which may together be roughly estimated as amounting to Rs. 40 lakhs.)

SUMMARY

The above figures illustrate the order of the sums involved in a settlement with the States in the event of the existing treaty protection by the Crown being terminated, viz:—

	Rs. in lakhs
(a) (i) *Annual Cash Contributions* which would cease to be payable to the Crown and transferable by the Crown to the Revenues of the Government of India	67.27
(ii) *Estimated annual compensation* due from the Crown to certain States for *cession of territory* in return for special guarantees of protection	77.27
(b) Estimated annual value of financial or fiscal immunities and privileges in cash or in kind accorded by usage or agreement by the Crown to certain States	2,55.74
(c) Miscellaneous rights of States to payments from Central or Provincial Revenues	say 40.00

Of these figures, (a) (i) would appear to represent a dead loss to British, and thus to Indian, revenues, and (a) (ii), (b) and (c) contingent liabilities (not exceeding £2,798,000 per annum) of the Crown to the States (in the case of (b) reducible to the extent that the States are left under a new Constitution and by a successor Government in continued enjoyment of their privileges and immunities in kind, or themselves agree to forgo them) for the meeting of which from Indian Revenues provision should, if possible, be made in the proposed Treaty.

No account has been taken in this calculation of a sum of Rs. 20½ lakhs paid annually through the Crown Representative's budget in Political Pensions to the representatives of various formerly ruling families whose territories have been incorporated in British India. These liabilities would presumably be inherited by the successor Government.

There are also various loans outstanding which have been made by the Crown Representative to certain States from Indian Revenues. It is presumed that provision would have to be made for the repayment of these loans to the successor Government.

The particulars in all the matters covered by the above note would have to be confirmed by the Political Department of the Crown Representative.

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Cabinet Delegation to India. Paper C.D.I. (14)

L/P&J/10/21: ff 101–7

TREATY: MINORITY PROTECTION

Note by Lord Pethick-Lawrence

INDIA OFFICE, *11 March 1946*

I circulate for consideration a memorandum to the Foreign Office on this subject and a demi-official reply by Mr. Beckett, Legal Adviser, Foreign Office. P.-L.

PROTECTION OF MINORITIES IN INDIA

MEMORANDUM BY THE INDIA OFFICE

In the Draft Declaration which Sir S. Cripps took to India in 1942, H.M.G. proposed that they would undertake to implement the outcome of a Constitution-making Body, set up in a defined manner, subject to conditions one of which was the conclusion of a Treaty between Great Britain and India which would, amongst other things, contain provision in accordance with the undertakings given by H.M.G., for the protection of racial and religious minorities.

The undertakings referred to are not recorded in formal agreements but consist rather in the recognition by H.M.G. of an obligation to safeguard the position of the minorities which has found expression in State documents such as the Report of the Statutory Commission, Vol. II, paragraphs 6 and 137, the Report of the Joint Select Committee on the Government of India Bill 1934, paragraphs 25 and 79, and in the Government of India Act 1935 (the special responsibility of the Governor-General and Governors "for the protection of the legitimate interests of minorities" *vide* Section 12 (1) (c) and 52 (1) 5). The most definite undertaking, however, is contained in the Declaration of Policy of August 8th 1940—"It goes without saying that they (H.M.G.) could not contemplate the transfer of their present responsibilities for the peace and welfare of India to any system of government whose authority is directly denied by large and powerful elements in India's national life; nor could they be parties to the coercion of such elements into submission to such a government".

It is clearly desirable that Treaty provisions for the protection of minorities should not be such as to become a source of friction between H.M.G. and the Government of India, and to constitute a limitation on autonomy. The question is what form of provision will be of some practical value without incurring these disadvantages.

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Ministers contemplate that H.M.G. should not place themselves under any liability to intervene on behalf of the minorities except to the extent of diplomatic intervention, but that aggrieved parties might under suitable conditions have recourse to U.N.O. or the Permanent Court of International Justice.

The advice of the Foreign Office is desired on the character of the provision which might be made in the Treaty to provide for such protection in the constitution or otherwise. In a draft Treaty received from India, which is only a preliminary attempt as basis for discussion, provision is made in the manner shown on the attached sheet.[1]

COPY OF LETTER FROM MR. BECKETT, LEGAL ADVISER, FOREIGN OFFICE, TO MR. TURNBULL DATED 6TH MARCH, 1946

I am answering your letter of the 4th March[2] about India and minorities. I notice that in your letter and in the draft reply [*sic* ?Memorandum] which you were good enough to furnish you ask for the views of the Foreign Office. Now, as you are well aware, it is one thing to obtain the views and advice of myself personally as Legal Adviser and another thing to obtain the views of the Foreign Office. The latter means consultation with many people and takes much more time. I think, therefore, the best I can do to help you, in view of the fact that time is short, is to send you at once a personal reply to your letter, which may be of some assistance to you, and then send on the papers to the appropriate department in the Foreign Office and ask them to add anything further which they think fit as the views and suggestions of the Foreign Office itself.

The problem as I understand it is that, as stated in various declarations by H.M.G., H.M.G. will think it necessary to secure the future position of minorities in India at the time when H.M.G. relinquish all control and India acquires either Dominion status (i.e. independence as complete as that of Canada) or becomes an independent foreign state outside the Commonwealth. The question is what H.M.G. should do in this regard.

Now, in order to clear my own mind, I find it necessary to sketch out some idea of what I suppose will be the course of events. I suppose (1) that some provisional Indian Government will be set up, composed, I suppose, of the most representative Indian national leaders that can be found to take part in it; (2) that H.M.G. will conclude with this provisional Government a treaty; (3) that then some constitution-making body will sit in India and put into effect a new Indian constitution; (4) that the treaty referred to in (2) above will be submitted to and ratified by the constitution-making body.

It then seems to be necessary to be quite clear what we mean by minority. A minority in the sense in which we are using the term now means a body of persons in India who will be Indian nationals or citizens. They will not be

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foreigners. They are [a] minority because they differ in race, religion or language from the bulk of the other citizens of India.

Now, we start from the position that, under international law, a foreign government may intervene diplomatically to protect the persons who are its nationals and are being ill-treated in the country in which they live, and may also, if these diplomatic representations produce no good result, take such further steps as may be open to it under the international arrangements in force at the time to obtain satisfaction for its demands, for instance recourse to an international court or to any competent international organisation such as U.N.O. On the other hand, we also start from the basis that the manner in which a state treats its own nationals is no other state's concern at all but is a matter of domestic jurisdiction, unless there are in force treaties or instruments which give some other state or body a right to interfere in protection of national minorities. (The minority treaties and the action of the League of Nations in protection of minorities in Europe between the two wars were examples of special arrangements taking the case outside the ordinary rule).

However, it is nevertheless the case that the ill-treatment by a government of one of its national minorities is a potent cause of international friction. This, of course, may be merely because the feelings of humanity of other governments are wrought upon, but the real reason generally is that some foreign government has particular sympathies with the ill-treated minority in question (because they are similar in race or religion to those of its own people) and perhaps because the foreign government has some territorial aspirations and wishes to include in its own territory some of the territory of the other state where the minority in question chiefly live. In certain circumstances, therefore, the grievances of a national minority against its own government may produce a situation which might lead to international friction within the meaning of Chapter VI of the Charter which might be brought before the Security Council. *Prima facie*, the state accused might reply that this is a matter of domestic jurisdiction, but perhaps the fact that the Charter specifies in Article 1, paragraph 3, that one of the purposes of the United Nations is "to achieve international co-operation . . . in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion" might lead this defence to be unsuccessful. I do not think it advisable to give any more definite opinion on this point.

The above, I think, is the background on which one wants to consider your particular question. Now, if in the treaty between the U.K. and the Indian provisional Government you laid it down that all citizens of India were to be treated without distinction as to race, sex, language or religion, and also

[1] [Note in original:] These were the provisions contained in Sir B. N. Rau's draft Treaty, of which Ministers have copies. [See Enclosure to No. 403.]

[2] Not traced. Possibly a covering letter enclosing the preceding Memorandum.

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if you thought fit, that there were to be certain particular provisions as regards minority representation in Indian central and provisional governments etc. and that these provisions were to be included in the future Indian constitution and to be rendered enforceable through the courts, and that, when the Indian constitution had been put into force with these provisions, the treaty Article in question should be deemed to be fulfilled, you would have a situation where (a) H.M.G. had taken steps for the protection of minorities, and (b) nevertheless, after the constitution had been enacted as required, H.M.G. would have no special position or responsibility in regard to Indian minorities and that if India thereafter ill-treated her minorities the responsibility and the right to intervene of H.M.G. was neither greater nor less than that of any other member of the United Nations.

Now, if your wish is to make India's independence complete, and to avoid anything which implies the continuance of any special U.K. position in India as a cause of friction and as to some extent an infringement of independence, then this is, I think, the course which you should adopt.

If, on the other hand, you want to maintain a special continuing right for the U.K. to intervene for the protection of minorities in India, to make diplomatic representations and so forth, to continue the U.K. as the guardian of minority rights in India, to give the U.K. a special right to haul India before U.N.O. if she ill-treats her minorities, then, of course, you should proceed differently, and the Article in the Treaty with the Indian provisional Government should not be stated to be discharged as soon as an Indian constitution suitably framed had come into force but should continue the obligations as regards minorities as contractual obligations between the U.K. and India indefinitely, so that if thereafter they were infringed the U.K. could complain to India of the breach of a treaty obligation and have all the means of recourse which are open to one country against another when a breach of a treaty obligation occurs.

I should perhaps explain for completeness that nobody except a Government can be a party to a case before the International Court of Justice, and it is no good a Government bringing a case before the International Court against another Government unless it can complain of an infringement of some of its own legal rights. Therefore, no minorities in India could bring their case before the International Court. Further, the U.K. could not bring the Government of India before the International Court in connexion with minority questions unless the Treaty which we have referred to took the second form and involved continuing obligations towards the U.K. on the part of India with regard to the treatment of minorities. Lastly, in this connexion there is another point. No doubt if India ceased to be a member of the British Commonwealth the Treaty between the U.K. and India, if it contained provisions which lasted after the establishment of the Indian constitution, would be regis-

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tered under Article 102 of the Charter and would be a Treaty which could be invoked before the International Court. If, however, India remained within the Commonwealth, the position is not so clear. Hitherto, the view has been taken that, owing to the fact that the King is the sovereign of the whole Commonwealth, agreements between members of the Commonwealth are not international agreements which fall for registration under the Covenant of the League or the Charter of the United Nations. It would, therefore, involve a departure from what has been a practice deliberately adopted between the two wars and up to the present time as regards inter-Commonwealth agreements, to register an agreement between the U.K. and India under the Charter and to invoke that agreement before the International Court. Finally, for completeness I would add that in any case the U.K. could not bring India before the International Court for breach of a Treaty unless India had signed the optional clause in a manner which covered the case or else agreed *ad hoc* that the particular case should go before the Court.

Somewhat similar considerations apply in regard to bringing matters before the Security Council. Only a Government can do this. Further, agreements which have not been registered cannot be relied upon before the Security Council.

It may or may not happen in the future that the United Nations adopt minority Conventions providing for particular procedures for the protection of minorities. Conceivably, something which the Economic and Social Council do in the sphere of human rights may lead to something of the kind, but all this is purely hypothetical and at any rate at present the position remains that minorities can do nothing for themselves in the international sphere, and if their case has to be taken up at all it has to be taken up by some Government.

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Mr Dalton to Lord Pethick-Lawrence

L/F/7/2866: f 326

SECRET TREASURY CHAMBERS, GREAT GEORGE STREET, S.W.I,
11 March 1946

My dear Pethick,
We had a full discussion at Cabinet the other day[1] about the directive to the Mission to India; but since you wrote to me on the 7th March[2] about the particular question of pensions, I should like, in replying, to underline what was said at Cabinet about the other financial issues which are likely to be raised during your discussions.

[1] No. 509. [2] No. 508.

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I suggest that, if you are approached on the question of the sterling balances and the financing of our expenditure in India since VJ-Day, you should take, very firmly, the simple line that this is one of the major matters which will have to be settled with the Succession Government in India. As the Prime Minister emphasised at Cabinet, "there could be no question of offering, at this stage, concessions on the financial side in order to secure a political settlement". And this, of course, applies to the relatively minor issue of pensions as well as to the major question of the balances—the suggestion made in your letter as regards the pensions would inevitably involve you and your colleagues in a discussion of the balances.

If you are driven to it, therefore, you may have to say that you are not prepared to enter into discussion of these complex questions, in addition to the fundamental constitutional issue which you have gone out to discuss, since you have no instructions from the Cabinet on the subject, and are sure that the Cabinet would not be prepared to consider it at this stage. And if you are threatened that India will withdraw from Bretton Woods if her demands are not satisfied, the answer is that this is no threat at all. We shall neither seek to dissuade her from withdrawing, nor be influenced in other matters by the prospect of her withdrawal.

I am sending copies of this letter to Cripps and Alexander.

Yours ever,
HUGH DALTON

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Minutes by Mr Gibson, Mr Patrick and Sir D. Monteath

L/P&J/8/525: ff 88–9

12 March 1946

U.S.S.

Viceroy's telm. of 11th March[1]

It is hardly for the Dept. to suggest the reply to the telegram below. The S. of S. may wish to consult his colleagues before replying. But I should let you know that I have shown the telegram to Mr Turnbull who thinks the Viceroy's proposal in para. 2 is quite appropriate.

J. P. G. 12/3

It is presumed that S/S will wish to enable the Viceroy to meet the Governor's request in the manner proposed. Probably however he will wish to consult his colleagues on the Delegation (and possibly the P.M.) on the reply to be sent.

P. J. P. 12/iii

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I w[oul]d prefer to omit the last sentence[2] if not both the last two & leave it to the Viceroy to consult this or that Governor about the details as he thinks useful. Sir B. Glancy, Sir O. Caroe & Sir F. Wylie might all have useful comments on the Punjab part; Sir F. Burrows & Sir H. Twynam on the Bengal part. Up to now it appears that the V[iceroy] has relied on no expert help other than that of Mr Menon & Sir B. Rau, neither qualified with first hand knowledge.

D. T. M. 12.3.

Annex to No. 518

Draft telegram from Lord Pethick-Lawrence to Field Marshal Viscount Wavell[3]

Superintendent Series. Your telegram of 11 March 581-S.[1] My colleagues and I appreciate Governor's request and approve proposal in your para. 2 subject to the comment with which you propose to communicate nature of plan proposed by you. We assume that you will confine yourself to general indication without entering into full detail. It seems preferable that you should not communicate detail of Pakistan award proposed.

[1] No. 513. [2] Of the draft telegram annexed below. [3] This draft is in Mr Patrick's hand.

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Cabinet Delegation to India. Paper C.D.I. (? 17)[1]

L/PO/6/114: ff 254–60

Note by Lord Pethick-Lawrence

INDIA OFFICE, *12 March 1946*

I circulate a note by officials on the Confederal System and its possibilities in application to the Indian Problem.[2]

P.-L.

THE CONFEDERAL SYSTEM IN RELATION TO INDIA

A Confederation is defined as a league of independent states whose Governments co-operate in the execution of an agreed common policy, but without surrendering any part of their sovereign autonomy. The outstanding characteristic of certain historical examples of Confederation which are described

[1] The number of this Cabinet Delegation to India Paper has been altered in manuscript on the file copy from C.D.I. (15) to C.D.I. (16). However No. 528 was circulated as C.D.I. (16) so it is presumed that the Paper should have been numbered C.D.I. (17).

[2] This note was presumably prepared in response to Ministers' request in No. 468, item V.

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in the annexure to this paper[3] is that they were formed by units which previously had little or no connection with one another. The examples described show that the place of a Confederation in political evolution has been that of a halfway house between complete independence and federation, which is a single state whose Government controls, to a greater or less extent, the common affairs of the federated units. The terms are however rather loosely used and the choice between "federation" and "confederation" seems to depend less upon a difference of principle than upon whether it is desired to emphasise the independence or the inter-dependence of the units.

An Indian Confederation would have to be formed by the reverse process of separating units previously united—then bringing them together again in a looser form of association. Moreover, if it were a Confederation of Hindustan, Pakistan and the larger Indian States, it would be a confederation of mixed components—some of them unitary and others (Hindustan and Pakistan) federal. To create a confederation of the existing Provinces and large States would not reduce the difficulties, because if each had equal voting power in Confederal decisions, the Muslim problem would not be eased.

British India has of course gone a good deal of the way from Unitary to *Federal* Government, but has not yet completed this first stage. Although since 1919 wide powers have been devolved upon the Provinces, which in 1935 became separate legal personalities, its system of Government still retains many features of the Unitary structure which preceded it. This is not solely due to the fact that the Federation of India embracing Provinces and States, for which the Act of 1935 provided, has never been realised; for the present distribution of powers between Centre and Provinces, as prescribed in the Legislative Lists in the Seventh Schedule of the Act, is the same as it would have been had the projected Federation been achieved. A comparison of the Federal Legislative List with the powers allotted to the Centre in the Constitutions of Australia, Canada and the United States of America shows that in India the Central Government, no doubt on account of its unitary past, exercises control over a wider field than do these other federal Governments. The residual powers of legislation do not rest with the Provinces: Section 104 of the Act entrusts them to the Governor-General to allocate to the Centre or the Provinces in his discretion i.e. it entrusts them in the ultimate analysis to Parliament. Other unitary characteristics are the large corpus of law which is common to the whole of British India, the All-India Services recruited by the Secretary of State, and the composition of the Central Legislature which remains under the transitional provisions of the 1935 Act, as constituted in 1919 on the "national" rather than the "federal" principle: that is to say, both Houses are filled by direct election and not by election or nomination by Provincial Legislatures or Governments. For the last six years the administrative, as opposed to the political, tendency has been towards centralisation owing to the fact that the

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Central Government has taken over from the Provinces, under the emergency provisions of the Constitution Act, the powers it has required for war purposes, and perhaps also to some extent because most of the Provincial Governments have been under the control, not of Ministries responsible to the Legislatures, but of Governors responsible to the Governor-General and through him to His Majesty's Government. Lastly, if economic rather than political factors were to be the deciding factor, this centripetal tendency would be intensified with a view to enabling post-war development to be planned and co-ordinated on an All-India basis and to making the best use of the country's resources in times of famine or other disasters.

Thus the position of the units which came together to form the Confederations described in the annexure is wholly dissimilar from that of the British Indian Provinces. There is on the other hand, superficially at least, more analogy between the former and the position of the Indian States *inter se* and *vis-a-vis* British India. The States and British India, like the American Colonies before 1776, while all subordinate to the British Crown, are formally independent of each other. In practice, however, there is of course an intimate and many sided connection between the States and the rest of India, through the Political Department which acts as a buffer between them. The Crown Representative is able effectively to discharge his functions as the agent of the Paramount Power only because in his capacity of Governor-General he is head of the Government of British India; while the Act of 1935 requires the Central Government to provide for the Crown Representative's needs, e.g. in the two essential spheres of finance and armed forces. In regard to foreign affairs and defence against foreign aggression, the arrangements made for British India cover the States as well; in regard to a number of matters internal to India, such as Railways, Posts and Telegraphs and Currency, the States are fitted into an All-India framework by means of a multitude of special agreements between individual States and the Government of India. Moreover in the last two or three years attempts have been made to establish a machinery of consultation between British Indian and States' representatives with a view to working out and implementing schemes of post-war economic development for India as a whole.

From the above analysis it seems to follow that:—

(a) Before a Confederation of India could be formed it would be necessary for the component units to be declared independent of each other.

(b) This would involve:—

(i) in the case of units which now form part of British India, nullifying a whole corpus of central legislation on which extensive administrative

[3] Not printed. The Annexure describes the working of the Swiss Confederation, the American Confederation of 1777–89, the German Confederation of 1815 and the North German Confederation of 1866.

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structures have been built. In this process there would be a danger of considerable administrative chaos;

(ii) in the case of the States, the rupture of their economic relations with British India through their agreements with the Crown on which alone all-India communications and other services depend.

As compared with pure Pakistan, Confederation may offer some advantages in providing machinery for consultation and cooperation. But, assuming Confederation to imply a complete reservation of Sovereignty to the units and not to permit the establishment of central organs having concentric authority throughout the confederal area, the advantages would probably be confined to economic and kindred matters and not extend to external affairs and defence. It is hard to imagine a defensive system under modern conditions which does not rest upon a central body with effective control in the territory from which the resources of war are drawn. Thus a confederal India would be in a poor position for discharging its obligations to the United Nations for security in that region of the world.

The character and powers of a Confederation for India would clearly be a matter for the Constitution-making Body. It may be, however, that in the forthcoming discussions there will be insistence by the Hindus that there should be a Constitution-making Body for all-India and insistence by the Muslims that there should be two Constitution-making Bodies. It will therefore be necessary to work for some compromise between these two points of view or less extreme versions of them. In this process it may be necessary to trench on the field of the Constitution-making Body to the extent of defining in some measure the character of the Constitution. If a Confederation of India were made the defined objective of the C.M.B. this might be accepted by the Muslims as a recognition of the sovereignty of Pakistan and by the Hindus as sufficiently recognising the unity of India for essential purposes such as Defence and Foreign Affairs. It would have to be considered whether this Confederation should include Indian States as separate participants. Even if only the large States were included they would have to be recognised as sovereign units and that would detract from the advantages to the Muslims of recognising Pakistan as a sovereign body equivalent to Hindustan. On the other hand, if the States were excluded *ab initio* they would naturally ask what was to happen to them and the answer would seem to be that they must go either into Pakistan or Hindustan according to geographical circumstances. This might raise awkward questions with the States during the conversations.

It is clear, presumably, that the idea of Confederation should not be introduced until partition in some form is seen to be inevitable.

It has been suggested elsewhere (CDI. 3)[4] that the British Government should avoid taking responsibility for setting up Pakistan or defining it and that this

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task should be put upon the Constitution-making Body in a way which would not produce a decision until the end of the first phase of the Constitution-making Body's work. Though this is very desirable it may of course be that it will not be regarded by Indian leaders, particularly the Muslims, as sufficiently recognising their claims and that the Hindu politicians will be less resistant to the recognition of Pakistan than is anticipated. In that event, the confederal idea may provide a formula which would enable a Constitution-making Body to be set up sitting in two wings, one for Pakistan and one for Hindustan, and meeting together to agree upon the confederal machinery for the two States which they are creating. The historical precedents, however, are none of them very encouraging and it would seem that a Confederation would be only a little better than the complete recognition of Pakistan as a sovereign and independent State, and probably no better at all for the vital matters of external relations and defence. It might, however, be hoped that when the Constitution-making Body got down to detailed work the logic of the facts would lead to something more closely integrated than the confederations of the past.

[4] No. 433.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

L/PO/10/23

PRIVATE AND SECRET THE VICEROY'S HOUSE, NEW DELHI, *12 March 1946*

Thank you for the letter of the 1st March.[1] I am most grateful to you for raising in the Cabinet the question of civilian passages and I hope you may soon succeed in securing us a much larger allotment. I meant to mention in my last letter that I had seen the European Group and that they had raised this question. I did send you a private telegram on the subject on the 2nd March,[2] which crossed your letter. The European Group expressed the apprehensions of the British community out here, and especially of those living in out-of-the-way places, about the present state of unrest in the country. I explained to them that we were following a deliberate policy with a view to success in the constitutional discussions and that this policy was the only possible one. I also told them that we were doing all we could to ensure that in the event of widespread disturbances the action taken to suppress them would be as quick and as effective as possible. I think they went away reasonably contented, but it was difficult not to sympathise with their claim that in present conditions

[1] No. 488. [2] See No. 510, note 7.

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it should be made possible for them to secure passages to the United Kingdom for women and children.

2. The Sind and the Punjab Ministries are obviously going to have an uneasy time, and I see from the papers that the Sind Premier has actually suggested that there should be fresh elections in order to secure a more stable balance in the Legislature. I doubt whether Khizar in the Punjab, with his coalition of the Unionists, the Congress, and the Sikhs, will be able to get his budget through; but if he cannot, it is probable that the Muslim League could not get a budget passed either. Jenkins will find no bed of roses awaiting him in Lahore.

The unstable political position in the Punjab makes it difficult to know what to do about arrangements to procure the maximum amount of wheat on the new crop which will come on to the markets in May and June. The experts here think there ought to be a levy in the Punjab, but the Punjab regard it as impossible to make the administrative arrangements in time. If I tried to force the Ministry (through the Governor) to introduce a levy, it might cause the downfall of the Ministry.

3. I saw Azad again on the 10th March.[3] The Congress Working Committee are going to consider what persons to nominate for the proposed Advisory Food Committee and I shall hear from them about this in a day or two.

I have also just seen Bhopal about this and other subjects. I enclose a note[4] of the interview which I think you will find of interest.

4. Another recent visitor was Liaquat Ali Khan, and to him and to every other politician I have met I have stressed the contrast between the magnificent Victory March last Thursday and the scandalous way in which the troops were booed and jeered at in the shopping centre of Connaught Place, and the riots in Delhi city which were the result of incitement by the political parties to demonstrate against the parade.

I have seldom seen a finer Parade than I saw that day. It was splendidly laid on and the troops looked magnificent. A party of a dozen V.C.s marched in the middle of the column. I felt very proud to have been associated with the Indian Army. Yet the political parties seem to be doing their utmost to destroy that Army and to leave India with no future but chaos and defencelessness. There seems to be a growing realisation among the more responsible people that this must stop, but no one speaks firmly enough about it.

5. I sent you a telegram[5] on Thursday evening about the disturbances in Old Delhi. The excuse was a protest against the Victory Celebrations, but the extremists of all parties and the professional bad hats seem to have combined together as usual to make trouble. I went on Tuesday morning to see the burnt out Town Hall. There the incendiarism seems to have been an inside job. Only a few persons appear to have been involved and they evidently knew

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their way about the building, and knew what they wanted to destroy. They burnt for instance all the records of the assessment of water-tax and house-tax and it will be a considerable problem to make a new assessment. Another difficulty is that the Municipality is already bankrupt.

The behaviour of the Police in Delhi seems to have been good and the firing well controlled.

6. We decided in Council on the 6th March that we must give notice of termination of the Trade Agreement with South Africa and I informed you of the decision by telegram.[6] I am sorry this should have been necessary, but there was really no alternative and it was amply clear from the tone of the discussion in Council that any proposal to wait and see how the new law is administered would have been entirely unacceptable.

A South African Delegation is visiting India and I heard a representation from them on Tuesday afternoon. They were headed by the Aga Khan and Mrs. Naidu, and Mr. Sarat Chandra Bose also accompanied them. They put in a written memorandum asking for the termination of the trade agreement, about which an announcement had been made the same morning, and for the recall of the High Commissioner, on which we propose to stall for the present.

7. I should be grateful if you would see the correspondence between Weightman and Donaldson about consular representation in Persia.[7] I am afraid we cannot possibly accept the Foreign Office view that although India has to pay half the cost of diplomatic and consular representation in Persia, Indians may not be appointed either to the Additional Counsellorship in the Embassy itself or to consular posts which are manned by the Indian Political Service. I know you will appreciate how impossible such a proposition will be under the new government that we hope shortly to see set up.

[Para. 8, on fatal accidents in Indian coal mines, omitted.]

9. I should be grateful for as early a reply as possible to my letter No. 125/54[8] of the 6th February about indemnity for the services. This is a matter of real urgency and I do not think, whatever the political inducements may be, we can possibly fail to give such protection as is feasible to the services. Provided our intentions in the big matters are clear, I do not think this will cause trouble with the Congress.

10. Thank you for your letter of the 28th February[9] about industrial policy. I will reply to this letter later.

[3] See Enclosure 1 to No. 526 for Lord Wavell's note of this interview.
[4] Enclosure 2 to No. 526. [5] 556-S which was in fact sent early on 8 March. L/P&J/8/573.
[6] 548-S of 7 March. L/P&J/8/305. [7] See L/P&S/12/4631. [8] No. 404.
[9] Pointing out the unwisdom of introducing legislation at that juncture granting the Centre powers over Provinces and States in industrial policy matters. Lord Wavell replied on 25 March that the question of legislation would not arise for some time. L/E/8/3618.

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Thank you also for your letter of the 1st March[10] about the Cabinet Mission. Jayakar will be included among the interviews.

11. Killearn has spent a couple of days here and I have had a discussion with him and Mountbatten about food. The general upshot was that we are all extremely short and all need rice from Siam and Burma.

12. Home Department have sent the India Office a telegram[11] asking that advance consideration should be given to the question of compensation for the existing members of the Services in the event of the compulsory termination of their appointments under the Secretary of State. I think we should get our proposals clear very soon and I hope you will have the matter examined with the least possible delay at home. It has been represented to me several times that the Services would feel a good deal more confident if they could know exactly how they would be treated in the event of their appointments being terminated.

[Para. 13, on the proposed Indian Art Exhibition in London, omitted.]

14. We had an Investiture of record size on the 9th March. There were 482 decorés and we feared it might take two hours, but it went off quite well in about an hour and quarter. I was glad to be able to present 2 M.C.s for gallantry and 2 M.B.E.s to members of my own Personal Staff.

This is, I suppose, the last letter you will receive from me before you start. It carries all good wishes for success. I hope you will have a good journey.

[10] No. 484. [11] 2382 of 9 March. R/3/1/130: f 127.

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Major-General Sir L. Hollis to Sir D. Monteath

L/WS/1/1044: ff 75–83

TOP SECRET OFFICES OF THE CABINET AND MINISTER OF DEFENCE,
No. C.O.S. 300/6 GREAT GEORGE STREET, S.W.1,
13 March 1946

Dear Monteath,

The Chiefs of Staff have considered your letter dated 1st March[1] asking for their advice on certain questions concerning defence for the information of the Cabinet Ministers Delegation on their forthcoming visit to India.

General Considerations

2. The question of a change in the status of India and in our relations with India under treaty raises the widest issues which fundamentally affect our

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strategy. Our military and political policy must develop concurrently; it will not therefore be possible for the Chiefs of Staff to go into any detail until the political provisions of any treaty have been further elaborated, and they do not consider that they should at this stage do more than state the general principles which must govern our military policy in relation to a self-governing India. At each stage of the negotiations it will be necessary to examine the military implications of any proposals which may be made and to work out our policy in the light of them.

The Chiefs of Staff therefore consider it of importance that military advice should be available to the Delegation. They consider that in matters affecting India's Defence Forces and India's local defence problems such advice will be given by H.E. The Viceroy and Commander-in-Chief India. In matters relating to British forces in India and Defence problems which affect the Commonwealth as well as India reference will be made to the Chiefs of Staff. Later, when the detail of drafting of military clauses in a Treaty or Agreement has to be done, the Chiefs of Staff will wish to send representatives to India to assist the Mission. They would be glad to know whether you agree to this view.

3. The Chiefs of Staff assume that our primary political object is to grant India independence, if possible within the British Commonwealth. It would seem to them, however, that unless this is done as a result of a freely negotiated agreement fully satisfactory to both sides, such an arrangement could neither be effective nor lasting.

If this is accepted it follows that we cannot afford to allow the negotiations to break down and cannot therefore classify any of our needs as essential, if by this is meant that we would rather abandon the negotiations than modify our requirements. Certain of our requirements are, however, clearly of the greatest military importance and in the course of negotiation we should insist upon these insofar as this can be done without jeopardising the basis of the negotiations.

Future Status of India

4. Whether India becomes a Dominion within the British Commonwealth or a wholly independent State, she will in fact ultimately form a political unit over which we shall have no authority and which will have complete freedom to determine its own line of action. We must, therefore, approach the problem from the point of view of an agreement between two equal autonomous states and on the assumption that the only satisfactory treaty will be one which brings approximately equal advantages to both sides.

The Chiefs of Staff assume that India will not be able immediately to discharge responsibilities commensurate with those of a Dominion or an

[1] No. 486.

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independent state, and that whatever India's ultimate status there will be a transitional period during which we shall have to afford India considerable assistance.

In the following paragraphs, therefore, is shown in broad terms the contribution which India can make to the security of the Commonwealth and the reciprocal advantages which India might expect to gain from association with the Commonwealth defence system. These will remain the same whether India becomes a Dominion or an independent state, the difference being in fact merely a measure of her willingness to co-operate.

India's Potential Contribution to Commonwealth Defence

5. The military importance of India as an integral part of or a close ally of the British Commonwealth, both in peace and war, can be summarised as follows:—

(a) *Manpower.* With her population of 400 million which is still increasing, even though the majority are not of fighting stock, India can make a substantial contribution to the forces of the Empire. In the recent war she provided some two million men.
It is clear that in the future we shall have to rely to an even greater extent upon reservoirs of manpower such as India can provide.
This is therefore a matter of the first importance.

(b) *Geographical.* Airfields and ports on the West coast of India are essential for the effective control of the Arabian Sea and the Persian Gulf. We have bases outside India from which the Bay of Bengal and the Indian Ocean proper might be controlled, but to operate our coastal air forces to the best advantage, we should probably require the use of airfields in India itself. India is the natural supporting base for British forces operating in the Persian Gulf area or in South East Asia (Burma, Siam, French Indo-China and Malaya). In addition, it is a vital link in our air communications to the Far East. Moreover, the airfields in N.W. India are the nearest we have to the industrial areas of the Urals and Western Siberia.

(c) *Industrial.* In certain fields, India's industrial and supply potential is already of considerable importance, although she does not at present manufacture the more complicated items of equipment. Her industries, however, are continuing to develop and her industrial effort is likely to become of much greater importance in the future.
Moreover, Travancore in South India has the largest known reserves of thorium, an element of increasing importance in the exploitation of atomic energy.

Potential advantages to India

6. By remaining within or closely allied to the Commonwealth defence system, India would benefit in the following ways:—

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(a) India would be assured of the backing of the Commonwealth in the event of attack by a great power.
(b) The security of British territories in Malaya, Burma and Ceylon provides India with a first line of defence against attack from the east.
(c) British sea and air power will be available to protect sea communications in the Indian Ocean.
(d) British air assistance would be available to assist the Indian air defence system in the event of air or land attack on India.
(e) If the Indian Armed Forces are to remain fully modernised, they will continue for a number of years to depend on outside assistance particularly in the training, industrial, scientific and technical fields. In view of our long experience of India and of the fact that the Indian forces are equipped with British material, this assistance can be furnished more efficiently and economically by us than by any other power.

Questions by the India Office

7. In the light of the general factors set out above, the Chiefs of Staff now consider in detail the specific questions asked by the India Office.

Question 1.

8. What defence obligations should fall to India to discharge with her own resources as a consequence of the attainment of full self-government?

Comment

9. The Chiefs of Staff consider that India should be responsible for:—

(a) Defence of her frontiers against land and air attack, on the understanding that she will be assisted by Imperial forces in the event of attack by a major power.
(b) Providing sea, land and air forces for local coastal defence.
(c) Internal security.
(d) Playing her part in providing forces for the defence of areas outside India which are of importance to India's security.

Question 2.

10. If India is not yet fully able to meet with her own unaided resources the obligations in Question 1, is our interest in regard to the making good of the deficiency such that we should stipulate for the employment of British forces? Or could we wait for the representatives of India to approach us with the request?

Comment

11. The Chiefs of Staff first consider to what extent India is capable of meeting the obligations set out in paragraph 9 above. They assume that

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arrangements will be made to provide the necessary British backing in order to ensure that the Indian armed forces remain fully modernised and efficient. By British backing we have in mind the British officers and technicians with the Indian Defence Forces. In this paragraph they have confined themselves to considering how much assistance would be required from British units and formations.

(a) *Frontier Defence.* The Chiefs of Staff consider that the Indian forces are adequate to defend her frontiers against attack by any of her neighbours except Russia. In this event, we should be involved in another world war, our policy for the defence of India would then have to be considered in the light of our world-wide strategy and of our allies at the time.

British assistance will be necessary for the effective air defence of India against attack by the air forces of a first class power, and preparations for this would have to be made in peace time.

(b) *Coastal Defence.* The defence of the coasts and the maritime trade of India against a major assault is likely to remain as a British commitment. The Royal Indian Navy, and to a certain extent the Royal Indian Air Force, are capable of undertaking local coast defence commitments, though British assistance will be required in certain fields at any rate for some years to come.

(c) *Internal Security.* Communal strife in India has been frequent in the past and may be expected in the future. Should India drift into a state of anarchy, she would be an easy target for any subversive propaganda which might be spread among disaffected elements by a hostile power as a prelude to an attack on India. A contented and politically stable India is of the greatest importance to us in order to ensure the security of India as a military base and as a source of both manpower and industrial war potential. Therefore, although we do not wish to become involved, it is in our interest that law and order is maintained. Although Indian forces may well be capable of dealing with communal strife up to a point, the presence of British forces is likely to be necessary in order to prevent the situation degenerating into one approaching that of civil war.

In paragraph 5 of your letter it is stated that "Whatever other arrangements might be made with India in regard to defence, British troops must *not* be at the disposal of an independent or dominion government of India for purposes of *internal* security." The Chiefs of Staff do not know whether this implies a complete embargo on the use of British forces in this role, or alternatively, that they might be used provided they were controlled by British as opposed to Indian authorities. They

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consider, however, that the use of British forces, subject to the necessary safeguards, is likely to be required for the maintenance of law and order in the event of communal trouble, at any rate for some time to come.

12. It is of great importance to us that India's armed forces should remain fully modernised and efficient, and of even more importance that such outside assistance to India as may be necessary is provided by us rather than by some other power. These are points therefore which the Chiefs of Staff consider it essential should be covered in the negotiations, but whether we should raise them ourselves or attempt to get the Indians to do so first is a point which they consider can only be judged in the light of the progress of the actual negotiations.

Question 3.

13. What are the main headings of the agreement that would have to be drawn up governing operational and administrative command, and the authority competent to decide the propriety of the proposed employment of any British forces made available as under Question 2?

Comment

14. The Chiefs of Staff consider that we should not unduly restrict the employment of such British forces as may be provided to assist the Indian Government with their defence obligations. They therefore consider that operationally they should be under the Indian High Command. However, it is more than probable that some sectional interest may achieve predominance in the government of any future Indian state or states and that this government might then endeavour to use British forces to further their own particular ends. It is essential, therefore, that some safeguards regarding the employment of British forces should be included. They consider that this could best be done by stipulating that the use of British forces would be subject to authorisation through an all-British chain of responsibility, the head of which would have the right of direct approach to the British Government through the British Chiefs of Staff. British forces would be maintained by India, but adequate safeguards must be obtained, e.g. as regards the rates of pay and allowances, the standard of accommodation, feeding, clothing, medical arrangements, welfare and amenities. We would also have to ensure that such forces would be so organised, equipped, trained and administered as to be readily interchangeable with our forces elsewhere.

Apart from stating the above general principles, the Chiefs of Staff do not consider that it is possible now to draw up the heads of agreement which can only be done at a later stage as the result of considerable detailed work in the Service Ministries.

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Question 4.

15. Apart from any forces considered necessary under previous questions, is it essential that His Majesty's Government should secure the agreement in principle of the new Indian Government:—

(a) to the location in India, at the request of His Majesty's Government, of other British forces for the performance of some wider common defence purpose, such as defence of the Indian Ocean area, or as a strategic reserve in that area; and

(b) to the provision of facilities of all kinds for the use of India as a base for such forces?

If so, what conditions should be stipulated as to the command of such forces and the authority competent to authorise their operational employment?

Comment

16. The Chiefs of Staff do not at present foresee the need to station forces in India in peace either as a strategic reserve or for the defence of the Indian Ocean area. However, if we are to fulfil our share of the joint responsibility for the defence of India and our potential commitments in the Indian Ocean area, it is essential that we should have the right to station such forces in India when necessary, and at all times to prepare and maintain base and certain other facilities necessary for our air communications to the Far East. It should be borne in mind that the Americans have raised the question of air bases for their use in India, and we should prefer to undertake ourselves any negotiations for these bases with the Indian Government rather than allow the Americans to do so on their own.

If and when such Imperial forces are sent to India they should remain under the control of the British Chiefs of Staff until a war time system of theatre command is established. India will be responsible for their day to day maintenance subject to the appropriate safeguards as mentioned in paragraph 14 above.

Question 5.

17. Is it essential, or alternatively would it be desirable that India should agree to furnish Indian forces for service outside India in British territory on conditions reciprocal to those in Question 4?

Comment

18. In time of war, the Chiefs of Staff consider that it is essential to the effective defence of India that she should furnish forces for her external defence to the maximum extent of which she is capable, since British manpower is unlikely to be adequate to undertake all our commitments without calling on India.

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It would be reasonable to ask her to provide in time of peace as well as in war, forces for use in those British territories outside India the security of which is of direct importance to the defence of India. These we at present consider as being Burma, Malaya, and limited and probably short term assistance in finding garrisons in the Middle East. This is of considerable importance in the near future, and could well be presented as one of India's contributions to the Commonwealth defence system in the Indian Ocean Area.

19. Under this heading there is a further point which was not specifically included in your letter: the future of the Gurkha Regiments. The Chiefs of Staff consider it important that any agreement reached with the Indian Government should not prejudice the separate negotiations which are being undertaken with a view to the future recruitment of Gurkhas into the Imperial as opposed to the Indian Army.

Co-ordination of Defence in India

20. In reply to the question in paragraph 7 of your letter, should India become divided into two or more self-governing and independent parts, her defence problem will be very greatly increased; further, without a single common defence authority for the whole country, the defence of India will be jeopardised.

The recent war has demonstrated the paramount importance of unification of command up to the highest level. We therefore consider that it is of very great importance that there should be co-ordinated machinery for defence of geographical India, and that there should be a single common defence authority with whom His Majesty's Government could deal.

Yours sincerely,
L. C. HOLLIS

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Major-General Sir L. Hollis to Mr Attlee

L/WS/1/1044: f 87

13 March 1946

[Prime Minister]
The Chiefs of Staff have today sent to the India Office the answers to various questions put to them on our future military requirements in India, with special reference to the forthcoming visit of the three Ministers to that country.

2. The Chiefs of Staff asked me to tell you that there is one point in their letter to the India Office on which they feel strongly. They consider that to meet the eventuality of communal trouble in India the use of British forces,

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subject to the necessary safeguards, are [is] likely to be required for the maintenance of law and order, at any rate for some time to come. The Chiefs of Staff consider that if British troops are used in India for this purpose, it should be stipulated that they would be subject to authorisation through an all-British chain of responsibility, the head of which would have the right of direct approach to the British Government through the British Chiefs of Staff.

[L. C. HOLLIS]

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Field Marshal Viscount Wavell to all Governors

L/S&G/7/904: f 150

SECRET THE VICEROY'S HOUSE, NEW DELHI,
No. 125/54. *13 March 1946*

My dear——.

The question has been raised by more than one Governor what line should be taken if a new Ministry insists on instituting or permitting action against Government servants for their part in suppressing the 1942 disturbances.

2. Any attempt to victimize a Government servant would attract the special responsibility of the Governor and there is no intention that Governors should in any way "contract out" of the present Constitution so long as it is in force. It follows that if any such attempt is made the Governor should make it clear that he considers his special responsibility to be attracted. If, however, the ministry merely raise the matter in abstract terms and ask for a general assurance, the reply should be that the proposal raises wide issues and should clearly be discussed in a friendly way with the Cabinet delegation rather than forced to a decision in a Province.

3. My intention is that Government servants should be given the full protection afforded by the Constitution Act but if the discussions with the Cabinet delegation go well I doubt whether this would be made a crucial issue. It has been suggested that our attitude on the subject should be made clear *before* the ministries come in, but I am not in favour of taking the initiative, and the Secretary of State whom I have consulted,[1] agrees.

Yours sincerely,

WAVELL

[1] See Nos. 503 and 511.

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Record of Conclusions reached at Meeting of Ministers at 10 Downing Street at 6 pm on 13 March 1946[1]

L/PO/6/114: ff 50–3

Present

The Prime Minister
The Secretary of State for India
The President of the Board of Trade
The First Lord of the Admiralty
Sir William Croft
Mr. Turnbull

1. *Reply to the Viceroy's telegram of the 11th March No. 576–S.*[2]

Ministers did not consider that any amendment to the Directive was required on the points raised by the Viceroy in this telegram. The Secretary of State pointed out that the Viceroy appeared to be influenced in making these suggestions by the possibility which had been mentioned to him in paragraph 2 of telegram 4101[3] of 27th February that possibly at some time after the negotiations it might be necessary to publish the document. He raised the question whether, if the Directive were amended as a result of reference back by Ministers during negotiations, the Directive could be published in its amended form. It was considered that in that event the amended version only should be published.

It was agreed that the draft reply[4] proposed by the Secretary of State should be sent to the Viceroy with the additional following words at the end—"Object of Directive is to give us complete latitude of decision upon points not expressly covered but to require us to refer back to Cabinet if we cannot get agreement as to the cardinal points expressly mentioned in it."

2. *Line to be taken in the House of Commons Debate on the Adjournment on Friday 15th March.*

The Secretary of State drew attention to Lord Templewood's speech in the House of Lords on Lord Rankeillour's question on the 12th March, 1946.[5]

[1] This record appears to have been made by Mr Turnbull. A note on the file states that copies had been sent to the Ministers who were present.

[2] No. 512. [3] No. 472.

[4] This draft was the same as No. 529 except for the addition of the last sentence.

[5] Lord Pethick-Lawrence had answered two questions on 12 March by Lord Rankeillour. The first asked whether the Government intended to make public the instructions to the Cabinet Delegation. Lord Pethick-Lawrence answered in the negative. The second asked whether the present policy abrogated the provisions of the Draft Declaration of 1942 in respect of relations with the Indian States and the protection of minorities. Lord Pethick-Lawrence answered that the present policy [*footnote 5 cont.*]

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Lord Templewood had pointed out that "at every recent stage of the constitutional development of India we have always tried to advance on an all-Party front". He had urged that it would be wise to take the Opposition more into confidence in matters of this kind than seems to be done at present. The Secretary of State expressed the view that it might be desirable to inform the Opposition of the intention of the Government in regard to the question of independence. The President of the Board of Trade felt that there was objection to taking the Opposition into confidence. It would be embarrassing for them as if they disagreed they would be in a difficult position in raising any criticism, and, even if they agreed, the giving of information now would necessitate giving further information as the conversations in India proceeded.

The Secretary of State pointed out that on the issue of independence the attitude of the Government would become known as soon as the Delegation informed Indian leaders of their position on this subject. The Prime Minister felt that it would be desirable for him to announce the position of the Government on this matter in his speech on Friday. He would propose to include a statement that in framing their own constitution the Indian people would be entirely free to decide whether they wished to be outside the British Commonwealth of Nations or to remain within it. He would express the general hope of this country that India would choose to stay within the Commonwealth. It was generally agreed that this would be the right way to present the matter. The First Lord of the Admiralty, while agreeing that India must be free to choose, felt that it was important to express our hope that she would choose to remain within the Commonwealth.

Discussion took place as to when the Prime Minister should speak in the Debate. The general feeling was that there would be advantage in his speaking at the outset. This would set the tone of the Debate and the Prime Minister could include an appeal to the House to act with restraint. Many questions might be raised in the Debate which it would be difficult to answer. Unless the Debate took an unfortunate turn it did not seem necessary for any reply to be made, but if the development of the discussion made this necessary it was felt that it would be best for the Prime Minister to make a short reply by leave of the House.

It was agreed that the Prime Minister in his speech should

(a) Avoid any indication that Mr. Jinnah would have a right of veto on any proposals for constitutional advance.
(b) Not review the Indian situation at length but should touch upon the recent indications of strains and stresses within India in post-war conditions.
(c) Should lay the emphasis not on the disagreement between Indians but on the large measure of general agreement on the issue of Indian independence.

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(d) Make it clear that we have not now and never have had any intention of playing off one point of view against another.

The Prime Minister said that he would draft such a statement and circulate it to the Ministers present.

3. *Defence provisions of the Treaty.*

Ministers considered the Chiefs of Staff report[6] on the defence requirements which it was necessary to fulfil in any settlement of the Indian problem.

The Secretary of State said that he thought the only point in which the Chiefs of Staff were at variance with the views of Ministers was in regard to the use of British troops for internal security. The Chiefs of Staff had recommended that, as the maintenance of internal order was a military requirement in order that India might remain a satisfactory base for military operations in time of need, the British Government should allow British troops to be used for internal security purposes subject, however, to safeguards which would include a requirement that the decision to use them would be taken by a chain of authority responsible to the British Government only. The Prime Minister read out a note[7] from the Chiefs of Staff elaborating this point in their report.

Ministers were unanimously of the opinion that it was out of the question for it to be made a condition in [the] Treaty that British troops should be available for internal security. If, however, Indian leaders of the new Indian Government were to represent that British troops would be required for internal security the Mission should not do more than say that such an idea conflicted with their conception of independence for India but that they would be prepared to ask the Cabinet to consider it. It should be made clear that certain conditions would have to be laid down which could be worked out later.

The Secretary of State pointed out that paragraph 4 of the Directive requires the Delegation to make it clear to Indian leaders that British troops will not be available for internal security purposes once the new Constitution is fully in operation. Sir Stafford Cripps thought that the words "fully in operation" might cover a short period after the Constitution was actually put into force. The Prime Minister, summing up the matter, said that we should not make any condition or any request for the use of British troops for internal security, that the Delegation could say, if the subject came up, that it might be possible to

was intended to secure: 'the quickest and best method and procedure for framing a new constitutional structure for India. While therefore the principles underlying the 1942 Declaration relating to the Indian States and the protection of minorities remain, the precise application of them is necessarily subject to modification in the light of these discussions.' See *Parl. Debs.*, 5th ser., H. of L., vol. 140, cols. 76–80. The replies given by Lord Pethick-Lawrence had been drafted after consultation with Sir S. Cripps and Mr Alexander. L/PO/6/114.

[6] i.e. No. 521. [7] No. 522.

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have some arrangement whereby British troops were available to help in the defence of the North West Frontier Province for a period. If Indians should ask for troops for internal security, the Mission should say that this will be a matter we should be prepared to discuss but only on the basis that the use of troops would be subject to a chain of purely British responsibility.

4. *Assurances to the Services in respect of pensions, etc.*[8]

The Secretary of State said that the Delegation had agreed to receive a deputation from the Service organisations. They were likely to ask for assurances about the security of their pensions and so forth. Sir Stafford Cripps thought that nothing more could be said to the Delegation than that in a settlement of financial matters between Britain and India we should do our best to ensure that these obligations were fulfilled. The Prime Minister thought that while this was satisfactory from the point of view of inter-governmental relations the individual member of the Services might justly wish to know what his position would be. It was agreed that it should be made clear to Indian leaders that in a settlement they should assume all the existing financial obligations of the Government of India in respect of pay, pensions and so forth. This principle should be established in order to provide a firm starting point for any negotiation about a settlement of external pensions in connection with the sterling balances.

5. *British commercial assets in India.*

Sir Stafford Cripps mentioned that it might be found best to dispose of private British commercial assets in India as part of a general financial settlement. Better terms might be secured for individual holders of British interests in India in a settlement linked with the sterling balance question than could be obtained by individual negotiation. Moreover in such a settlement we should ourselves be in a position to pay out those who might otherwise be expropriated or lose their rights at a very low price.

6. *Consultation with Governors.*

The Secretary of State said that he had had a telegram[9] from the Viceroy stating that one of the Governors had asked to be informed of the proposals to be considered when Governors meet the Delegation in Delhi at the end of March. The Viceroy suggested that he should send to all Governors his plan of action, making it clear that the Delegation were not committed to these proposals. Ministers felt that this would not be desirable because the Viceroy's plan would inevitably become the agenda for discussion with the Governors. It was agreed that the Secretary of State should send a telegram deprecating the Viceroy's plan being circulated to Governors, but saying that the Delegation would rather collect from Governors their views of the situation in their

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Province and Governors' own ideas as to the best solution and tactics to be adopted in the conversation with Indian leaders.

[8] The Agenda of this meeting on the file shows that Lord Pethick-Lawrence's letter to Lord Wavell of 27 December 1945 (see No. 489, note 1) and No. 489 had been circulated in connection with this item.

[9] No. 513.

525

Mr Sorensen to Lord Pethick-Lawrence

L/PO/6/102c: ff 234–47

38 WOODSIDE PARK AVENUE, E.17,
13 March 1946

Dear Pethick,

I have waited for some time to see whether our Parliamentary deputation is likely to make an informal further report. This seems unlikely & I therefore venture to enclose a few observations of my own.

My very best wishes go with you & other members of the Government mission.

I wish again to record my appreciation of the great privilege I had.

Yours sincerely,
R. SORENSEN

Enclosure to No. 525

THE PARLIAMENTARY DEPUTATION TO INDIA

While the ten members of the Parliamentary Deputation have conveyed their individual and general impressions to the Prime Minister, Cabinet Ministers and M.P.s there has been no formal written report. Probably such a report is unnecessary. Nevertheless the following individual reflections of one member may be of interest.

All the members had an invaluable experience of Indian life and conditions, of a considerable number of political leaders and public men, and of local representatives of various organisations. They touched practically every phase of Indian life, political, religious, cultural and economic.

I greatly appreciate the privilege I had, and am grateful that I could see the picture with which I had become familiar at last come to life. As I understood the nature of our deputation it was not to act as pseudo-negotiators but as agents of British sincerity and goodwill. I therefore sought with my colleagues to get to know the minds of our hosts, to demonstrate warm interest in the conditions and well-being of the people, and to establish human contact.

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Impressions are affected inevitably by individual temperament, interest, outlook and judgment, yet we reached much agreement in certain respects. We all agreed that the Indian situation is one of almost explosive urgency. There also appears to be at least a majority agreement that Independence is an almost unanimous demand, and must be met in the very near future. The Conservative minority seem to acquiesce in this, with ambiguous qualifications.

Unfortunately we have not fulfilled our original intention of having a day's discussion in order to sort out, clarify and adjust our opinions and to discover the extent to which we reach common conclusions. But with varying degrees of emphasis the following appear to receive open or tacit agreement:

1. The demand to "Quit India" has general Indian endorsement, although translated variably.

2. We enjoyed much personal friendliness despite intense political criticism and hostility.

3. Passionate mass feeling is liable to get out of hand.

4. Many British civil servants are convinced we must relinquish power.

5. The I.N.A. and Subas Bose have become emotionally idolised in many areas, to the sad perplexity of loyal members of the Indian Army.

6. The Indian National Congress remains an extremely powerful body, whatever may be the criterion of other organisations with their own potential significance. The Mahasabha has declined very substantially.

7. The Moslem League is also very powerful and while its electoral strength has been revealed as somewhat less than it claimed, it is the vehicle of intense, fervent insistence of the demand for Pakistan.

8. Mr. Gandhi has a tremendous hold over the Hindu masses in particular, and is widely though not uncritically respected, including many of the Governors.

9. Mr. Jinnah, although implacably identified with Pakistan and unwilling to define the term, is accepted not only as a leader of integrity but also as the accredited spokesman of the grievances and aspirations of millions of Mussalmans.

10. The poverty of the masses is appalling and calls continuously for relief.

11. The Labour Movement is practically confined to the cities and suffers from disunity.

12. The plight of women is tragic in their dumb resignation to fate.

13. While much earnest devotion to social service exists, it is incommensurate with the urgent need.

14. Famine conditions are bound to be recurrent, and grievously aggravated by natural disasters such as the recent failure of the rains, until and unless drastic, comprehensive schemes of irrigation and economic and agricultural expansion are implemented.

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15. Traditions and customs are extremely powerful, and provide obstacles to social reforms.

16. The States possess distinctive characteristics and claims, of which many of their Princes and subjects are either proud or jealous. Incongruous examples of political feudalism and social progress exist and beneath them are signs of subterranean discontent.

17. Lord Wavell is held in general respect.

18. The Government of India is not held in general respect.

19. There exists either uncertainty regarding the future of Indian defence or a detectable implicit assumption that a mutual arrangement between Britain and India is possible.

20. Despite enmity there are signs in some quarters of a hope that some real form of Anglo-Indian association will continue.

I believe that these twenty points approximately represent the conclusions of the whole deputation. I recognise that some points are well known to all who have studied Indian affairs even cursorily, and those may have little immediate relevance.

Opinions vary on the precise significance of the term "Independence", and one member (I think mistakenly) asserts that all it really means to convey is simply a sense of status. This I consider to be inadequate and liable to provoke hostility among those Indians who believe it means very much more, even though fuller definitions be found difficult. Certainly any reference to "Dominion status" merely acts as an irritant, because apart from other criticisms, this title conveys the idea of a filial relationship, which Indians reject emphatically.

There is also some divergence among us both on the nature of any interim Government and on procedure respecting a Constitution-making body, some declaring that nothing could or should be done to change the existing government pending settlement on the Pakistan and other issues, and others advocating an immediate reconstruction, and early steps to set up the constitution making body even without the desirable co-operation of Mr. Jinnah.

The Pakistan proposal, of course, provides the chief source of disagreement, although there is much fluctuation. Some have declared Pakistan must be considered, not as in itself sound or worthy but as a less[er] evil than that of bitter civil strife and even warfare. Others have kept silent on the point, possibly assuming that the conflict may justify legitimately the indefinite continuation of British control of law and order. Yet I feel there would be considerable general agreement on these matters were it possible for the ten of us to spend some time in private conference. In the absence of this, I am venturing later to give my own provisional estimate of possibilities.

No one of us doubts that Pakistan represents a very powerful, tenacious body of conviction that cannot easily be placated, and that Pakistan does involve many serious economic and political problems.

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Members of the deputation also diverge respecting the importance of the States, some feeling that original treaty rights must receive great respect, and others that a settlement in British India would necessitate basic adaptations by the States themselves to a new situation; and that the dramatic influence of a political settlement in British India would impel or compel the States to enter into the new India on terms negotiated solely between States' representatives and Indian political leaders.

Again there is difference of opinion respecting the degrees of failure or success of past and present British administration. There seems to be general assent to criticism of the past treatment of prisoners (and one Governor admitted there had been deplorable incidents) but not necessarily to criticism of past British policy, the activity of the Civil Service, social progress or the attitude of British people. The business enterprise of Tatas is accepted as evidence of potential Indian industrial capacity, while it is fully recognised that Hindus and Parsees have incontestably displayed great business acumen.

I have myself emphasised to Indians that many social evils are indigenous, and not the creation of the British; that exploitation is a universal human failing likely to continue as much in purely Indian hands as at the present in mixed hands; that often the tendency to find scapegoats represents the ancient psychological evasion of responsibility, and that it is quite possible that a completely free and independent India might find itself in worse political and economic confusion than now.

After an attempt carefully to weigh all the factors, I incline to the following suggestions:

1. A declaration or reiteration of Indian Independence should be made soon after the Provincial elections are complete.

2. After such preliminary consultation as is possible an offer should be made to Mr. Jinnah and the Moslem League that would embody the content of *a* (not "the") Pakistan. The area would consist of territory in Sind and the Punjab, possibly the North West frontier, Baluchistan and Kashmir, and contiguous areas, but subject to these conditions, viz: (a) a plebiscite of all the electorates likely to be affected, though with means taken to discriminate between Moslem, Hindu and other voters; (b) A 60% majority of each district to act as a criterion of choice; (c) a boundary commission to determine relatively satisfactory areas; (d) the Sikhs to be incorporated only if they can be induced voluntarily to accept this, otherwise to be provided with their own territory, including Amritsar and attachment to the United Provinces; (e) Kashmir and Baluchistan to be incorporated only by their decision; (f) Defence and Foreign Affairs to be subjects referred to some common authority by agreement or treaty, not necessarily purely Pakistan-Hindustan, but in any case with the recognition that complete sovereignty in these respects is undesirable if in fact not completely impracticable or dangerous;

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(g) communications and fiscal policy also to be covered by a mutual treaty or agreement.

3. Whether this offer is accepted or not a constituent assembly be forthwith established on a basis determined by a preliminary conference of political leaders responding in the first place to an invitation by the Governor General in consultation with his Council; the plebiscite and other arrangements to proceed simultaneously if acceptable; any preliminary conference not to prejudice the deletion of any area likely to be incorporated in *a* Pakistan; an assurance given and accepted that the decision respecting Pakistan and Greater India will be implemented; and broad agreement registered in regard to the safeguarding of minorities in both areas.

4. The interim government to consist of the Viceroy, with suspension of his power of veto, his Council consisting of Ministers drawn from a panel supplied by the Prime Minister of each province, where willing, and the existing Central Legislature, with the provincial government continuing to operate.

5. Law and order to be maintained by common agreement through existing agencies.

6. An Anglo-Indian Treaty to be contemplated and prepared, covering both immediate issues and ultimate relationship, this to be freely negotiated and completed between the Governments of India and Britain.

I am conscious of the amateur nature of these proposals. Yet I venture to submit these six proposals in the hope that they at least indicate the general lines along which satisfaction in some measure might be reached. In particular the endeavour to meet the demand for Pakistan obviously is rudimentary. Nevertheless, I believe there is substance within the rough outline. It concedes *a* Pakistan, though much modified in nature and area, and in so doing it makes positive the declared recognition of Congress leaders that no substantial area will be compulsorily incorporated in the India they and other political leaders hope to create. It seeks to avoid making Pakistan, or a secession area, purely consequential on the findings of the constitution making body. It also recognises that it depends on the ability of the Moslem League to induce possible areas of Pakistan to cooperate with it. The North West Frontier Province where Moslems have returned a majority of Moslem Congressmen provides Mr. Jinnah with a special opportunity for successful advocacy. He certainly cannot expect that 92% Moslem Province to enter Pakistan save by considered choice.

Personally, it is my conviction that only a Central Government co-ordinating a new Indian Federation and possessing the confidence of the Indian people with its roots deep in Indian life, can provide the dynamic impetus and secure the requisite discipline for that drastic re-orientation of policy and vigorous economic reconstruction so vitally necessary to India's well-being. The greater part of India could possess such a stimulating authority, even though a

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relatively small area proceeded with its own new life separately in internal affairs. Wisdom might in time draw the smaller area into more organic unity.

One has frankly to recognise the possibility of continued friction and of open conflict. There can be no guarantee to the contrary. But one must earnestly hope and trust that, especially with the present dire distress and the normal poverty of so many millions in India, the prospect of a tolerable compromise over Pakistan, together with the vast opportunities and responsibilities of a free and independent India would induce the various parties who serve the well-being of their country to turn from destructive polemics to impart constructive tasks.

I believe our own country needs to be relieved of some of its present obligations, among other reasons because the strain of attempting to preserve the present position and possibly becoming involved in widespread upheaval would be too great. It would have tragic repercussions on British domestic reconstruction. Hazardous as it is, the responsibility of allaying conflict and revolt and of erecting a new constitutional structure must be the responsibility of Indian statesmen, even though they may need to seek our cooperation.

It is not impossible that bold and imaginative ventures on our part will evoke a response that will generate a new and lasting spirit of Anglo-Indian friendship. We all desire this most ardently, and I am sure this also exists in Indian hearts and minds beneath the acerbities of political strife. But there are severe psychological tensions and moods to overcome, and while I believe our deputation did something to ease and counter-balance these yet obviously an act of much greater dimensions is required to re-direct emotions and establish confidence.

I find India absorbing, and Indians fascinating in their picturesque differences between themselves and also between them and British people. This numerous ancient people appeal in their poverty and humanity to the depths of one's being, particularly through our historic association. They possess an impressive history and a wonderful culture. There are sad pages in their story, apart from those we have inscribed, but there is also inspiration; for India has penetrated deeply into philosophical realms, has built precious shrines of the spirit; and has given much evidence of courage, fortitude and creative achievement. One remembers so many faces seen first in village or slum, open air demonstrations or in quiet conference, and one thinks of those men and women conditioned by their own inheritance and environment with compassion and fellowship. Full consciousness of the meaning of national feedom and independence may exist only with the few. But in this they are not unlike other people who, nevertheless, have become emotionally responsive to the call of liberty. The needs of the multitude are tangible, but they have become identified with the values and affirmations that animate the minds of national leaders and their political movements. For the sake not only of India and Britain but of the

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human race one must find a means of translating respect for this resurgence in practical political form, and thereby nourish the national dignity of India and dissolve the fears and resentments now so unhappily nourished by misfortune and frustration. A peaceful solution to present time problems, a settlement by reason and not through or after violence, will mightily impress a world grown cynical and greatly hearten a wounded world democracy.

After seeing at first hand the life of some of those 400,000,000 and conversing with both eminent and humble personalities, I realise afresh the magnitude of the problem, and yet firmly retain my affection for these fellow human beings and my conviction that a "happy issue out of all our afflictions" is not impossible. That in various ways, I believe animated our parliamentary deputation and I trust prepared a helpful though modest pathway for the Ministers who now venture on an onerous mission, fortified with the earnest wishes of all people of goodwill.

REGD. SORENSEN

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Mr Harrison to Mr Clauson

L/P&J/8/525: ff 65–7, 70–1

THE VICEROY'S HOUSE, NEW DELHI,
13 March 1946

No. 27

Dear Mr. Clauson,

On His Excellency's instructions, I enclose, for the information of the Secretary of State, a copy each of His Excellency's notes on his interviews with Maulana Abul Kalam Azad, the Nawab of Bhopal and Mr. Jinnah on the 10th and the 12th of March.

Yours sincerely,
W. L. HARRISON

Enclosure 1 to No. 526

NOTE ON INTERVIEW WITH MAULANA AZAD, WITH ASAF ALI AS INTERPRETER, 10TH MARCH 1946

10 March 1946

The interview lasted for about an hour. I began by speaking about the proposed Food Committee, telling the Maulana the proposed composition and asking whether he had any suggestions, and saying that I should be very glad to receive nominations from the Congress Party. He said he agreed generally with the idea of the Food Committee and the numbers; there would be a

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meeting of the Congress Working Committee at Bombay on March the 12th, and he would put the proposals before them and let me have suggestions and nominations. He said that his idea was that the Committee would be a committee of people who had the ability to advise the Government on food matters, and that it should not be a question of party representation but of individual qualifications. I said that the reason why I had suggested a certain number of nominations for the Congress party and the Muslim League was that it was important to secure the general support of the main political parties for such steps as it would be necessary for the Government to take. He said he would let me have the views of the Working Committee by the 14th.

He handed me the attached telegram[1] about the export of pulses and oilseed; I said that I would refer it to the Food Department.

2. I then went on to say that since he was meeting the Working Committee, I hoped that he would represent to them the necessity for the greatest possible moderation during the present period. I said that I was still very disturbed at the tone of some of the political speeches, and instanced particularly those of Sinha and Nehru. I said that recent events had shown the folly of inciting people to violence, and that I hoped that he would impress on the Working Committee in the strongest possible way the necessity for moderation in tone. He professed to agree entirely with what I said and asked whether I had noticed the moderation of tone since the meeting of the Working Committee at Calcutta. I said that while the tone of the speeches made showed a slight moderation after the Calcutta meeting, there were still a number of very violent things being said by a great many people, and that it was only in the last week or two that the political leaders had shown any real sign of responsibility and desire to refrain from any incitement; and some of them had still not lowered their tone, I instanced particularly Sinha's recent speeches in Bihar. Azad said that it was his desire to maintain a calm atmosphere and that he hoped things would be kept quiet.

3. I then said that I had been very shocked by the events of last Thursday. I had seen about the best parade and the finest lot of men that I had seen in all my 45 years service, and come away feeling very proud of the Indian Army and my connection with it—to learn an hour or two later that these magnificent troops had been jeered at by their compatriots, and that mobs in Delhi had broken loose and rioted and burnt, as a result of the incitement of the political leaders to stage demonstrations against Victory Day. I said I could not imagine greater folly than that the Indian political leaders at this stage should seek to belittle the Army that had saved them from invasion in the late war and had raised India's prestige in the world; and that I hoped that the Working Committee of the Congress Party would realise the folly of interfering with the armed forces.

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Azad said that while Congress had been unable to approve of the Victory celebrations, they had issued instructions that people should not stage demonstrations against them, and that it had been other elements which had caused the trouble. He fully realised the danger of undermining the morale of the armed forces. I said that I was glad to hear it, but that the whole tone of the press which supported Congress had been to belittle the Indian Army and their achievements in the late war, and that there had been no sign at all that the political parties took the least pride in the exploits of their magnificent soldiers. Azad said there was no official Congress Press, and that he was not responsible for what the papers said. I merely said that if the political leaders had taken the tone of giving the armed forces credit for what they had done, the press would certainly have followed them.

4. I then went on to point out the harm that had already been done to the morale and discipline of the Army by the Congress attitude in the INA trials, in which I said they had made heroes of people who, for the majority, formed the worst and not the best elements in the Indian Army. I hoped that they would not continue to condone or praise indiscipline in the armed forces; they would certainly regret it subsequently if they did.

Azad and Asaf Ali listened in silence, and Azad then said that he fully realised the necessity for maintaining the morale and discipline of the armed forces. I said that I was very glad to hear it and I hoped that he would impress the same spirit on the Working Committee.

5. Azad then went on to speak of the situation in the Punjab, which he admitted was most difficult; he said that he had been quite prepared to form a coalition Government with the Muslim League, but that the Muslim League would not agree. He did not strike me as being very confident of the stability of Government, but said that there was no better alternative.

6. I finished by referring to Nehru's visit to Malaya, and said that there had been considerable opposition to the visit, but that I had told the SAC that I was sure Nehru would honourably observe the understanding on which he was allowed to go to Malaya, i.e. that he would not indulge in political agitation or speeches against the existing administration. I was not likely to be able to see Nehru before he went, so I hoped that Azad would impress this on Nehru. He said that he would do so.

7. The general tone of the interview was friendly, and I think they are really anxious to preserve the peace, and realise that it is essential to moderate the tone. But I doubt if they are really able to do it.

W.

[1] Not printed.

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Enclosure 2 to No. 526

NOTE OF A CONVERSATION WITH THE CHANCELLOR OF THE CHAMBER OF PRINCES, H.H. OF BHOPAL, 12TH MARCH 1946

12 March 1946

1. I began with the food situation and the proposed Committee. H.H. promised full support to any measures taken by the Government, and read out a memorandum on what was already being done by the States; he promised to leave a copy of this memorandum with P.A. He said he would discuss the questions of nominations to the Food Advisory Committee with P.A. He made three requests on food matters: (a) that we would make available some lorries to facilitate procurement; (b) that the Government of India would guarantee to buy any surplus that the States procured and made available, and to remove it at once so that it should not deteriorate while awaiting transport; and (c) that small States who required it might be given financial advance for procurement purposes. I said that I thought lorries could probably be made available if the States gave their requirement; that I was quite sure that there would be no difficulty about the Government of India taking any surplus that was made available, and that they certainly would not desire that it should be lost by rotting while awaiting removal (I think H.H. had in mind the idea of establishing some sort of financial claim if surplus food made available deteriorated because it could not be removed at once). I said that the matter of any financial advance to small States would be one for the Finance Branch.

2. H.H. then asked about the arrangements for the Cabinet Ministers to see representatives of the States, and I gave him an outline of the probable programme and told him that P.A. would give more details.

He spoke about going to London for the Victory Celebration at the beginning of June, and said that he would be prepared to remain in India if his presence was required. I said that His Majesty had asked for his four Indian A.D.C.s to come to the Celebration, and that I thought he should go unless there was something critical which required his remaining in India.

3. H.H. then asked my advice on what the Princes should do in the forthcoming negotiations. I said that this was rather a quick one, and that if he really wanted considered advice I should want time to think it over; but that the ideal that His Majesty's Government wished to arrive at was a self-governing India, with a constitution arrived at by Indians, remaining within the British Commonwealth as a willing partner. In such an arrangement the Princes would obviously have a place. The larger ones could form units with approximately the same status as a Province of British India; other States might form themselves into a union which would be capable of functioning on the same lines as one of the large States—I instanced the possibility of the Rajputana

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States forming themselves into a Union. A number of the smaller States would obviously have to join some larger State or one of the Provinces of British India. H.M.G.'s intention was to help the Princes in every possible way to find their rightful place to the best advantage in such an India, but they had announced that they would not transfer Paramountcy to an Indian Government without the consent of the Ruler.

H.H. then said that he did not wish the attitude of the Rulers to be misunderstood; would it be considered that they were betraying their obligations to the British Crown if they negotiated with an Indian Government for rights within an Indian Union? I said that it was H.M.G.'s desire that the Princes should enter into such a Union on the best possible terms, that they would give them every assistance to do so, and would certainly not regard it as a betrayal of their obligations to the Crown. I said that on the other hand I hoped the Princes would realise that H.M.G. had no intention of abandoning their obligations towards the Princes.

H.H. said he understood, and asked that nothing should be done or said by H.M.G. which would weaken the power of the Princes to negotiate with a new Indian Government. I said that we had impressed this on H.M.G. He then told me that he had had conversations with Gandhi, but said they had been on very general lines and that no detailed negotiations of any kind had taken place.

He then said that he hoped that the Crown would make no fresh encroachments on the Princes' privileges and treaties during the present period, as this might weaken them in making their arrangements with a new Indian Government. He instanced particularly the matter of the Privy Purse, and I think this was probably the chief point that he wished to make.

W.

Enclosure 3 to No. 526

NOTE ON AN INTERVIEW WITH MR. JINNAH, 12TH MARCH 1946

12 March 1946

1. I spoke to Mr. Jinnah about the Advisory Food Committee, its proposed size and composition, and asked him if he would let me have nominations, if he agreed. He said that a Committee of this sort would do no good and would not help; and he made the rather surprising proposal that I should ask Mr. Gandhi to come to Delhi and to sit in close conference with him, for as long as was necessary, to advise the Government on the matter of food. He said he was quite prepared to remain in Delhi for as long as necessary, except for absences on essential business, if Mr. Gandhi would do the same. He said that he thought that this was the only really effective way of dealing with the threatened calamity; both Congress and League organizations would then

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be at our service all over the country to help the accomplishment of Government measures; and the country would feel that the problem really was being tackled and that the leaders were behind it. He said "The responsibility will of course remain yours and the Government's, but the moral responsibility will be ours." I said that this would of course put the matter on the highest level, and that I would put the proposition to Mr. Gandhi. I then said that the States should be brought into it, and he said at once: "Certainly, let the Nawab of Bhopal sit with us." He appeared to be perfectly sincere and to mean what he said. He said that one of the chief tasks would be to stop the black-marketing and hoarding.

2. He then went on to speak of the I.N.A. trials. He began by disclaiming altogether that the agitation against the sentence on Abdul Rashid had been due to the idea that there was discrimination against the Muslim League. He said that that was not his opinion, though he admitted that it had been put forward by some people. I said I was very glad to hear his disclaimer, and I could not believe that he would ever have thought that the Commander-in-Chief, or myself, could be capable of discrimination in such a case on political grounds. He then went on at considerable length with the legal arguments he had advanced to me before about Shah Nawaz having been let off murder while Abdul Rashid received a heavy sentence for grievous hurt. I then explained to him the exact circumstances of the two cases; i.e. that the abetment to murder of which Shah Nawaz had been found guilty was simply that of ordering the summary execution without proper trial of a deserter from the I.N.A., and that Shah Nawaz had not even been present at the execution; whereas Abdul Rashid had had a man beaten in his presence practically to death and that, whatever the legal aspect of the case might be, the Commander-in-Chief and myself had had no doubt whatever as to which offence deserved the greater punishment. He listened with close attention, and at the end said that he appreciated the considerations that had guided the decision, and would not dispute it. He would, however, ask whether it was not possible to make a clean sweep of the whole of the I.N.A. cases, which were causing such a sore in our relations. I then gave him a full statement of the matter as it appeared to me: that approximately 3 out of every 4 of our prisoners of war had stood firm, in spite of every inducement to join the I.N.A., and brutal treatment if they did not. I told him that something like 33% of the people who had stood true to their salt had lost their lives in consequence, whereas the casualties of those who joined the Indian National Army had been very small; they had in fact hardly fought at all, and had consisted for the most part of men who were unable to stand up to pressure and ill treatment, the cowards and softlings in fact. I said that the Government had, I thought, treated the I.N.A. with great clemency; and that the only people being tried now were cases of gross

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brutality, some of which I instanced. I said that the Commander-in-Chief and I had thought over the matter very carefully indeed, and had appreciated the possible political advantage to be gained by stopping all the trials; against this we had to consider: (a) the effect on the men who had stood loyal; (b) the fact that some really sadistic criminals would go free; and (c) the argument which would certainly be used by a great many people, that violent agitation had had its effect and that therefore this was the way of resisting any measure of the Government that was not popular. I said I agreed that we had made serious mistakes in our handling of the I.N.A. question, especially in the selection of the cases to be tried first, but that I thought that our policy had on the whole been reasonable.

Mr. Jinnah listened very attentively, and at the end said that he fully appreciated my point of view, and that he entirely saw what was in my mind. At the same time this I.N.A. business was poisoning relations to such an extent that he thought we must try to find a way out. He entirely appreciated the arguments that I had given against any complete amnesty, but he would like to consider further whether it would not be possible to do something to remove the sore, he would like to discuss the matter with someone at G.H.Q. I told him that the Commander-in-Chief was away and that I thought the best thing would be for him to see the C.G.S., Sir Arthur Smith, as the A.O.C.-in-C., who was Acting Commander-in-Chief, would not be so well apprised of the facts.

This is only a comparatively short summary of a long discussion, in the course of which I have never known Mr. Jinnah more reasonable.

3. At the end, as he was taking his leave, I mentioned the article in *Dawn*, and said that I thought such a scurrilous attack on an eminent public servant would do his cause much harm, and was beyond the bounds of ordinary political controversy. He said that there was a long history about the relations of the Muslim League with the Governor which he would be prepared to discuss with me at some other time; but that he would look at the article in *Dawn*, which he had not seen, and would consider whether it over-stepped the limits.

4. I have never known Mr. Jinnah in such a reasonable mood, he seemed an entirely different man to his usual rather aggressive self. He was very courteous, listened to argument, and seemed much more human and likeable than in my previous contacts with him.

W.

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Cabinet Delegation to India. Paper C.D.I. (15)

L/P&J/10/21: ff 108–13

Note by Lord Pethick-Lawrence

INDIA OFFICE, *13 March 1946*

My colleagues may find it useful to have in self-contained form the attached particulars of the election results in the Punjab, Assam, Sind and North-West Frontier Province.

P.-L.

RESULTS OF THE ELECTIONS TO THE LEGISLATIVE ASSEMBLIES IN THE PUNJAB, ASSAM, NORTH-WEST FRONTIER PROVINCE AND SIND

I. PUNJAB

Number of Seats	175
Number of General Seats	42, of which 8 are reserved for the Scheduled Castes.
Number of Sikh Seats	31
Number of Muslim Seats	84

The balance is made up of seats for minorities and special interests.

Party position before dissolution	Party position after elections
Details of the Party position of the Punjab Legislative Assembly immediately before dissolution are not available. The Unionist Party, a coalition of several elements, was in power.	Congress 51 (36 General seats, including 6 Scheduled Castes; 9 Sikh seats; 2 Women (one Hindu, one Sikh); 1 Commerce and Industry; 1 Landowner; 1 Labour; 1 University). Unionists 21 (5 General seats, including 3 Scheduled Castes; 12 Muslims; 1 Indian Christian; 3 Landholders). Muslim League 75 (72 Muslim territorial seats; 2 Muslim Women; 1 Labour). Panthic Sikhs 23 (22 Sikh territorial seats; 1 Landholder).

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Party position before dissolution	Party position after elections
	Independents 5 (1 Scheduled Caste; 1 Indian Christian; 1 Labour; 1 Anglo-Indian; 1 European).
	N.B. Although there are only 8 reserved Scheduled Caste seats, 10 Scheduled Caste members have been returned, i.e. 2 have been returned from unreserved seats.

A Unionist Ministry, with Khizar Hayat Khan as Premier, was in power before the dissolution.

Khizar Hayat has formed a Coalition Ministry for the new Assembly consisting of four Unionist Muslims, two Congress Hindus and one Akali Sikh.

II. ASSAM

Number of Seats	108
Number of General Seats	47, of which 7 are reserved for the Scheduled Castes.
Number of Backward Areas and Tribal Seats	9
Number of Muslim Seats	34

The balance of 18 seats is made up of seats for minorities and special interests.

Party position before dissolution		Party position after elections	
Congress	30	Congress (including all General Seats (with Scheduled Caste reserved seats); the Women's seat; 2 Tribal seats; 2 Backward Areas seats; 2 Indian Planting seats; the Indian Commerce seat; 3 Labour seats).	58
Assam Nationalist Coalition Party	11		
Independents	7		
Speaker	1		
Assam United Party (Composed of Muslim League: 32; Others: 27).	59	Muslim League	31
		Nationalist Muslim	3
		Independents (including 1 Indian Christian; 2 Tribal; 1 Labour; 3 Backward Areas seats).	7
		Europeans	9
	108		108

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At the time of the dissolution there was a Coalition Ministry, under Sir Md. Sa'adulla (Muslim League). It consisted of 10 Ministers, (5 Muslim League, and 5 Non-Muslims).

The new Ministry, under Babu Gopinath Bardoloi, consists of 7 Ministers, all of whom are members of Congress except the one Muslim member, who is a Nationalist Muslim.

III. SIND

Number of Seats	60
Number of General Seats	18
Number of Muslim Seats	33

The balance is made up of seats for minorities and special interests.

Party position prior to dissolution		Party position after elections	
Muslim League	30	Muslim League	28
Congress	10	Congress	22
Independents	10	(including all General seats; 1 Labour; 1 Non-Communal Women's; 1 Land-holders; 1 Commerce).	
Azad Muslims	3		
Hindu Mahasabha	3		
Europeans	3	Nationalist Muslim	3*
Vacant	1	Muslim G. M. Syed Party	4
		Europeans	3
	60		60

* (Originally 4; but one member joined the Muslim League after election).

Before the dissolution there was a League Coalition Ministry consisting of 6 Ministers, under Sir Ghulam Hussain Hidayatulla. Four of the Ministers, including the Premier, belonged to the Muslim League and the other two were Hindu Independents.

The composition of the new Ministry has not yet been announced, but Sir Ghulam Hussain has been invited by the Governor to form a Ministry.

IV. NORTH-WEST FRONTIER PROVINCE

Number of Seats	50
Number of Muslim Seats	36
Number of General Seats	9
Number of Sikh Seats	3

The balance is made up of seats for small minorities and special interests.

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Party position before dissolution		Party position after elections	
Congress	27	Congress	30
Muslim League	18	(including 9 General seats; 19 Muslim seats; 2 Sikh seats).	
Independent	4		
Vacant	1	Muslim League	17
	50	(including 15 Muslim seats; 2 Landholders).	
		Nationalist Muslim	2
		Akali Sikh	1
			50

At the time of dissolution a Congress Ministry was in power under Dr. Khan Sahib, who had three colleagues—two Congress Muslims and one Congress Hindu.

Dr. Khan Sahib has proposed a new Congress Ministry composed of three Muslims and a Hindu.

V

The results of the elections in the other Provinces will not be known till April; but in Orissa the Congress is already certain of a majority as a result of unopposed returns. In other Provinces from the large number of unopposed returns it is already clear that—

1. Practically all General seats will be won by Congress; and
2. The Scheduled Caste reserved seats will also mostly be won by Congress.

The Hindu Mahasabha so far has won only one seat—Calcutta University, in which constituency the President of the Mahasabha, Dr. Shyama Prasad Mookerjee, ex-Vice Chancellor, and ex-Finance Minister, Bengal, has been returned unopposed.

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Cabinet Delegation to India. Paper C.D.I. (16)

L/PO/6/114: ff 252–3

Treaty—External Obligations

Note by Lord Pethick-Lawrence

INDIA OFFICE, *13 March 1946*

I circulate extracts from an Opinion by Mr. Beckett, Legal Adviser to the Foreign Office, on the question whether any provision in the Treaty is required to cover existing External obligations. It will be seen from these that, while

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the obligations incurred in respect of India as a separate contracting party would devolve automatically on the new Indian Government, there are certain obligations not so concluded as to which it would be desirable to secure some assurance from the new Government of India that they accept the obligations. In Mr. Beckett's view it is probably desirable that this should be by way of the Treaty rather than by an agreed assurance.

I should add that the opinion from which these extracts are quoted is at present a draft which has been forwarded to my Office in view of the urgency of the matter. Mr. Beckett is working further on the details of the agreement but says that the draft is not likely to be altered in its main lines.[1]

P.-L.

EXTRACTS FROM MR. BECKETT'S OPINION

5. . . . a clear distinction can be drawn in the first place between (A) treaties signed after 1919 "for India" or for the Government of India specifically, and (B) treaties concluded before or after this date simply in the name of the Crown or in the name of the Government of the U.K. (or in the name of the East India Company, the Government of the U.K. or the Crown having admitted their inheritance from the Company). In the case of treaties in the first class, no possible question can arise. They were specifically concluded for India as a separate international person, and must on any possible view continue to be binding on India.

* * *

Unless, therefore, H.M.G. can feel certain that the future Government of India will accept and observe without question all these treaties concluded in the name of the Crown or the Government of the U.K. (including those of the East India Company) which can only be fulfilled in India or only wholly fulfilled if India observes them (as the Dominions did in 1919) it is clear that H.M.G. would do well, in order to guard themselves against legitimate claims from foreign states, to come to some specific agreement on this subject with whatever Indian provisional Government a treaty providing for the future of India is made and make it part of the provisions of that treaty that this agreement shall be accepted in some binding form by the future fully constitutional Indian Government.

* * *

9. My conclusions, therefore, are:

(1) that there should be no doubt as regards the treaties in category (A) (see paragraph 5). If they were the only category of treaties in question, there should be no need for any action.

(2) that diplomatic claims and political difficulties of a somewhat grave character will be likely to arise, placing H.M.G. in the U.K. in a most

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difficult position, if the continued observance by India of the treaties in category (B) is not made perfectly plain so that any foreign Governments interested can be informed officially of the fact.

(3) that if H.M.G. could be sure that the future Indian constitutional government would adopt consistently the same view that the Governments of the Dominions did in 1919, matters might be left on the basis of some agreed assurance. But though the appreciation of this matter is outside my sphere, in the case of a future Indian Government it seems questionable whether it is prudent to leave the matter on such an informal basis. I could imagine, for instance, that the future Indian Government might possibly be activated by a wish to assert its new independence by stressing its freedom from everything the Government of the U.K. had done for it in the international sphere before. In this case, arguments based on the international law with regard to state succession or the practice might not be sufficient. In any case, it must be admitted that this branch of international law is by no means one of the clearest.

(4) that consequently there are probably good reasons for having a schedule specifying precisely those treaties which India will continue to observe and the binding precedents for drawing up this scheme should be the practice followed by the Dominions after 1919 and by Norway/Sweden and Denmark/Iceland.

[1] See No. 481. A copy of Mr Beckett's opinion in its final form (dated 19 March 1946) is on L/P&S/12/4641. The extracts reproduced here were not altered in the final version.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/10/21: f 129

IMMEDIATE INDIA OFFICE, *14 March 1946, 5.25 pm*

TOP SECRET

5291. Superintendent Series. Your telegram 576–S[1] of 10th March. Directive had been approved by Cabinet with amendments indicated in my telegram 4722[2] of 7th March before receipt of your telegram under reply. I agree that wording of paragraph 2 might perhaps have been clearer and that your re-draft of first sentence of paragraph 6 would be some improvement but I am afraid I do not feel that I can take the matter to the Cabinet again on these points. As regards paramountcy I think that 5 (c) is a principle to which we must

[1] No. 512. [2] No. 504.

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adhere and the fact that Rau included in his Draft Treaty[3] provisions which conflict with it shows that it is a matter which may come up.

2. As regards your paragraph 4 I appreciate force of what you say. Nevertheless on a long term view paragraph 5 (b) is an important principle which we should seek to see realised. If it alone seemed likely to break an otherwise satisfactory settlement we should have to refer back. Object of directive is to give us complete latitude of decision upon points not expressly covered, but to make us refer back to Cabinet if we cannot get agreement as to the cardinal points expressly mentioned.

[3] Enclosure to No. 403.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell[1]

L/PO/6/115: ff 176–7

MOST IMMEDIATE INDIA OFFICE, *14 March 1946, 8.55 pm*
TOP SECRET

5368. Superintendent Series. Opposition have asked for debate on India on adjournment tomorrow Friday 15th March. It may begin about 12.30 our time.

2. Prime Minister will speak very early for Government. He will not of course go into any detail but there is one important point on which he has decided to make an announcement. We have reached conclusion that it will not be desirable to make it a requirement as was done in Cripps' Offer, that Constitution Making Body must be charged to set up a Constitution within British Commonwealth, but with right to secede (which could of course be exercised immediately). We therefore have decided that we shall make it plain that C.M.B. will be free to make India an independent State if Indians so desire.

3. Prime Minister will therefore say that it will be a matter for free choice of Indians in framing their own constitution whether they wish to become a separate state or desire to remain within the British Commonwealth at same time expressing our hope and desire that they should freely decide to remain within it.

[1] A telegram in identical terms was sent by Mr Bevin to Lord Halifax as No. 2476 of 15 March. L/PO/6/114: f 91.

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Mr Turnbull to Sir W. Croft and Mr Clauson

L/P&J/8/525: f 80

14 March 1946

Sir William Croft
Mr Clauson

Ministers discussed[1] the Viceroy's telegram 581–S[2] last night. They were quite definitely opposed to the Viceroy's plan being disclosed to Governors both on security grounds (since this would involve a substantial number of additional people becoming aware of the Breakdown Plan) and also because the Viceroy's Plan would in effect become the agenda for the discussion with the Governors. The Ministers want to get a wider and more general view of the Governors' own appreciation of the situation and ideas as to what should be done about it unfettered by any knowledge of what the Viceroy has recommended which would clearly cramp their style.

It is not very easy to convey this tactfully to the Viceroy without appearing to put his proposals into the same class as the views of individual Governors. I have done my best in the attached draft[3] using words which were indicated by Ministers last night together with some assuaging phrases.

F. F. T.

[1] No. 524, item 6. [2] No. 513. [3] Mr. Turnbull's draft was similar to No. 532.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

Telegram, L/P&J/8/525: ff 78–9

IMMEDIATE INDIA OFFICE, *14 March 1946, 10.50 pm*

TOP SECRET

No. 5352. Superintendent Series. Your telegram 581–S[1] of 11th March. I have discussed this with my colleagues and the Prime Minister. In view of the extreme secrecy of your breakdown proposal which you emphasised to us we feel there would be objection to distributing that part of your proposals to Governors. But quite apart from that we think that if the Governors had your proposals sent specially to them now the effect would be that those would in effect become the agenda for our discussion with them and that they would naturally tend to limit themselves to giving comments on them. It would be more helpful to us to know what in existing circumstances each Governor from his own point of view thinks is the best thing to be done. We should

[1] No. 513.

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therefore very much prefer that instead of sending your proposals you should tell Governors that we should like them to give us their appreciation of the situation in their respective provinces, of the state of political feeling in the different parties, and their own ideas as to the best solution of the all-India problem and the best tactics for handling the general situation. Of course in discussion we shall be able to ascertain their views on the various alternative possibilities.

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Mr Turnbull to Mr Rowan

L/P&J/10/21: f 131

INDIA OFFICE, *14 March 1946*

Dear Rowan,

In view of the decision last night[1] that the Prime Minister in his speech on Friday in the House would make a statement that India can decide for herself whether she will remain within the British Commonwealth or not, it seemed to me desirable that the Dominion Governments should be informed in advance of this announcement. My Secretary of State is inclined to think that this is the right course. On ordinary occasions I think such communications would be sent from the Dominions Office to the United Kingdom High Commissioner, but the question of India being free to leave the Empire is a substantial decision of policy which affects the Dominions and it is perhaps more appropriate that the information should go from the Prime Minister to the Dominion Prime Ministers. I have drafted a telegram in that form of which I enclose three copies. A copy of this letter and the enclosure has been sent to Tory at the Dominions Office. Would you ascertain what the Prime Minister's wishes are on this point and arrange with Tory for the despatch of whatever he may wish should be sent.[2]

Yours sincerely,

F. F. TURNBULL

Enclosure to No. 533

Mr Attlee to Mr Mackenzie King, Mr Chifley, Mr Fraser and Field Marshal Smuts (via Dominions Office and British High Commissioners in Canada, Australia, New Zealand and South Africa)

Telegram, R/30/1/6: f 7

MOST IMMEDIATE *15 March 1946*

CONFIDENTIAL

D. No. 232. Following for Prime Minister from Prime Minister. *Begins.* We have been considering the line to be taken by the Cabinet Delegation which

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is going to India in their conversations with Indian leaders. The most burning question in India is the issue of independence on which the Congress and the Muslim League unanimously claim that India should have complete independence and sovereignty though of course they are acutely at variance as to the forms under which this should be realised. In the Cripps Offer it was proposed that a Constitution-making Body should be set up through which Indians should frame a constitution for India within the Commonwealth subject to the right of any province of British India not to adhere to the constitution so framed. It was stated in that offer that the Treaty which it was proposed should be concluded between the United Kingdom and the Constitution-making Body should not impose any restriction on the power of the new India to decide in the future its relation to the other Member States of the British Commonwealth.

2. There is widespread but unfounded belief in India that Dominion Status is something less than sovereign independence in a free association and Indian political leaders have in general asserted that an undertaking that they will have independence is a *sine qua non* of any settlement. We could clearly offer nothing less than was offered in 1942 under which India would in fact have been able to secede from the Commonwealth immediately she became fully self-governing. We feel, therefore, that it would be mistaken to insist that a new constitution must be framed for India within the British Commonwealth and we therefore have decided that it should be made plain from the outset to Indian leaders that India will be free to choose whether her new constitution should be one within the Commonwealth or not. There is to be a debate in the House of Commons today, 15th March, on Indian affairs and I propose to take this opportunity to make a statement to this effect. I shall of course emphasise that it is our wish and desire that India should voluntarily and freely decide to remain in the free association of the Commonwealth but at the same time make it clear that this will be a matter for their own decision. *Ends.*[3]

[1] See No. 524, item 2.

[2] Mr Attlee made some slight verbal alterations to Mr Turnbull's draft, and it is the text as amended by Mr Attlee and despatched by the Dominions Office that is reproduced here.

[3] According to the records of the Prime Minister's Private Office, no replies to this telegram were received from the Dominion Prime Ministers.

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Record of Meeting of Deputation Representative of U.K. Business Interests in India and U.K. Trade with India with Lord Pethick-Lawrence and others on 14 March 1946

L/E/8/3821: ff 99–101

CONFIDENTIAL

Present:

Secretary of State for India	Sir Hubert Carr
Mr. A. Henderson	Sir Henry Richardson
Sir William Croft	Sir Geoffrey Clark
Mr. G. H. Baxter	Sir George Campbell
Mr. H. A. F. Rumbold	Mr. G. L. Graham
	Mr. E. Haward

SIR H. CARR, in introducing the deputation, explained that they spoke on behalf of a Committee representative not only of United Kingdom commercial interests in India but also of United Kingdom trading interests with India. In view of the impending visit to India of the Secretary of State they wished to represent to him certain points affecting their interests which were of concern not only to them but to the United Kingdom as a whole. The European community in India agreed that a forward move was necessary in Indian politics at the earliest possible date. They would like to participate in any constituent body. As regards membership of Indian Legislatures under a new constitution, they had nothing to say except that if seats were offered to them they would be ready to accept.

SIR H. RICHARDSON said that he assumed that discussions might take place during the Secretary of State's visit to India with Indian leaders regarding the principles to be embodied in the treaty which would be a pre-requisite of a new constitution and some understanding on this point might be reached. He said that in this connection the Joint Committee would like to see the following points if possible protected:—

(a) freedom for United Kingdom concerns and nationals to carry on their business or vocations in India on the same terms as are applicable to Indian concerns and nationals;
(b) most favoured nation treatment for United Kingdom interests in India;
(c) freedom to remit funds outside India;
(d) equality of taxation between Indian and United Kingdom nationals and concerns;
(e) the avoidance of double taxation in India and the United Kingdom;
(f) no liability on United Kingdom nationals in India to compulsory military or other service;

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(g) the right of United Kingdom nationals to practise professional and technical qualifications in India, particularly as regards lawyers.

He mentioned in particular that the Indian business community have been suggesting that United Kingdom business interests in India should be taken over as a means of partially using India's sterling balances; the motive, however, being to secure possession of United Kingdom interests rather than the utilisation of the balances. This would prejudice United Kingdom trade with India, as British firms and British managed firms in India tend to place their orders in the United Kingdom. Presumably United Kingdom interests would be paid for, but a difficulty of valuation would arise. India's economic development would strain India's resources to the utmost and the help of British firms would be needed.

MR. GRAHAM drew attention to the importance of providing passages home from India particularly for the families of businessmen who were, in addition to themselves having been long periods in India, now having the additional worry of having their dependants in India at a time when disturbances threaten.

SIR G. CAMPBELL said that as regards shipping, equality of treatment between United Kingdom and Indian shipping interests is desired. He understood that the Government of India wish to obtain for Indian shipping interests a percentage allocation of overseas trade, but foreign shipping lines would compete for any trade which United Kingdom lines might be willing to surrender to Indian lines. He was in favour of arrangements in this matter being made between the interests concerned, rather than between Governments.

SIR G. CLARK referred to the negotiations between Calcutta Tramways and the Calcutta Corporation in which the Government of Bengal had intervened. He accepted the reasonableness of Indians wishing to take over in this way public utilities owned by United Kingdom interests.

THE SECRETARY OF STATE said that as regards transport facilities between the United Kingdom and India, he had taken every opportunity to press for an improvement, and had had some success. He would continue to press this point with keenness and determination. At present there was a serious shortage of accommodation. Troopships could not be used for the carriage of women and children as they were not suitably fitted out, but as time went on he hoped that the position would improve.

As regards the points made by Sir H. Richardson he would have these looked into. (To facilitate this the Deputation submitted a written statement[1] of these points).

[1] Printed as the Annex to this document.

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As regards the general political situation, the Secretary of State said that in recent months there had been a worsening of the relations between Indians and British and between Indians themselves. The purpose of the Cabinet Mission to India was to seek to restore good feeling, which still existed in many quarters. They were determined to bring something out of it, their watchword being to achieve not only the difficult but even the impossible. They had no cut and dried plan, but would hear, weigh and consider with a view to getting some agreement on a step forward. In all this they would have in mind what the Deputation had said regarding the interests of those whose livelihood depends on India.

He did not expect that the Mission would reach the stage at which a treaty could be drafted, although some of its principles might be discussed. Between now and the drafting stage it would be open to the Joint Committee to submit to the Board of Trade and the India Office the points to which they attached most importance. It would be advisable for them to decide what they were ready if necessary to give up in order to secure what is vital to them. At this stage, however, it was difficult to judge what the situation would be when the time comes for the treaty to be drafted.

In answer to an enquiry by Sir H. Carr, the Secretary of State added that pending the conclusion of a treaty and the introduction of a new constitution, India would continue to be governed under the existing Act, which contains the commercial safeguards in Sections 111–121. But an Indian Government might if it wished find means of getting round these provisions without necessarily breaking their letter, although they would not of course do so with the Secretary of State's approval. We were, therefore, likely to do better by relying on securing the goodwill of Indians rather than by standing on legal provisions which might be negatived in the spirit while preserved in the letter.

SIR W. CROFT drew attention to the fact that two treaties were contemplated. One which would be a condition of the acceptance by Parliament of a new constitution, and another dealing with commercial and other matters which would be negotiated with a free Indian Government after the introduction of the new constitution. He asked whether the deputation thought that it might be worth while to negotiate a commercial understanding with the Government of India now which would be of a provisional nature, pending a commercial treaty with a free Indian Government, and replacing the commercial safeguards in the present Act.

SIR H. RICHARDSON said that there was something to be said for such a long-term agreement, but SIR H. CARR recalled that a similar suggestion had been made at the time of the Round Table Conferences but that the difficulty then was that there was no body with which an agreement binding on India could be made. The same difficulty existed today.

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SIR G. CLARK said that United Kingdom nationals in India had other rights in India besides commercial rights which ought to be protected in the first treaty.

SIR H. CARR thanked the Secretary of State for receiving the deputation and wished him and his colleagues success on their mission to India.

Annex to No. 534

Written Statement by Deputation

I

PREAMBLE

Below are the main points which we feel must be covered by any treaty with a self-governing India in respect of commercial relations and like matters. We have kept them to a minimum, and they are to be taken as headlines rather than precise definitions. While details would have to be considered at a later stage, in our view it is of the utmost importance that agreement should be reached and recorded, early in the talks with Indian politicians, on the broad principles that will be applied in a subsequent commercial treaty or treaties.

Those principles, as we see the matter, should be twofold:

A. Treatment for the trade, business, concerns and nationals of the United Kingdom no less favourable in any respect that that accorded to any third country whether British or foreign.

B. Equality of treatment in India as between Indian-owned and British-owned business, and between Indians and U.K. nationals domiciled or working in India.

We see no reason why these two principles should not be fully reciprocal. While reciprocity by itself does not adequately define the requirements, we do not ask anything of India that as U.K. citizens we would not be ready to see accorded in comparable circumstances to Indians or Indian business in this country.

Within the ambit of those principles, the following are the main points to be specifically provided for:

II

MAIN POINTS

1. Comprehensive most-favoured-nation treatment for U.K. trade, commerce, shipping, finance, insurance and all other economic activities. (If the "most-favoured-nation" enjoys any tariff or other preferences, these would be automatically extended to the U.K.)

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2. Freedom for U.K.-owned concerns and U.K. nationals operating or resident in India to carry on business or exercise vocations (including acquisition, mortgage or disposal of property, etc.) in and from India subject only to such restrictions as may be applied to Indian-owned concerns and Indian nationals (or to the concerns and nationals of the most favoured third country, whichever is the less restrictive).

3. Equality of treatment in all respects for British and Indian tonnage in India's shipping and for British aircraft in air lines (subject to international agreements).

4. Freedom for U.K. nationals to enter India subject only to such regulations as may be applied to the entry, travel, residence, activities and departure of non-Indian nationals generally or to the nationals of the most favoured third country.

5. Freedom to export property and goods and to remit funds from India on the basis of full reciprocity between the two countries.

6. Equality of taxation (subject to point 7 below) and of other fiscal treatment including expropriation between Indian nationals or Indian-owned corporations and U.K. nationals or U.K.-owned corporations in India.

7. Provision to avoid double taxation in India and the U.K.

8. No liability of U.K. nationals in India to compulsory service.

9. The right of U.K. nationals who have the professional and technical qualifications to practise in India subject only to regulations applied to qualified Indians.

III

DRAFT CLAUSE FOR AN IMMEDIATE INDO-BRITISH AGREEMENT

Immediately after the establishment of an Indian Government with self-governing powers, that Government and H.M.G. in the U.K. will on a status of equality negotiate and conclude without delay a commercial treaty or treaties which shall *inter alia* provide

First, that there shall be between the parties reciprocal and unrestricted freedom of commerce and navigation.

Secondly, that each party shall accord to the nationals, corporations, trade, shipping and all other economic and financial activities and interests of the other party treatment no less favourable in any respect than is enjoyed by any third country whether British or foreign; and

Thirdly, that in respect of all private and economic or financial activities, rights and liabilities within its jurisdiction either party will afford to the nationals or corporations of the other party equality of treatment with its own nationals or corporations.

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IV

HOMEWARD PASSAGES FOR WOMEN AND CHILDREN

In view of the grave situation in India and the consequent anxiety among British residents regarding the safety of their wives and families it is earnestly urged that drastic measures should be taken to reduce the waiting list of homeward passages for women and children especially. The total waiting list for civilian passages is now approaching 7000. In the light of information now coming from India it is felt that this matter should be put in the forefront of the Government's shipping obligations. There is in the back of the minds of British residents in India the additional fears inspired by accounts of Concentration Camps in Java.

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Field Marshal Viscount Wavell to Lord Pethick-Lawrence

Telegram, L/P&J/8/525: f 117

IMMEDIATE NEW DELHI, *15 March 1946, 9.55 pm*
Received: 15 March, 9.5 pm

649-S. As you know, Azad recently suggested on behalf of Congress an Advisory Committee on food. He promised to obtain nominations of Congress representatives from Working Committee in Bombay.[1] On the 12th, evening, I saw Jinnah and asked him to co-operate and nominate the League representatives.[2] He said that committee of this kind would do no good and that I should ask only himself and Gandhi to advise me. At my suggestion he willingly agreed to accept Chancellor or other nomination of Princes as third representative. I welcomed this proposal and promised to put it to Gandhi. Next morning I sent Abell to Bombay to see Gandhi and he saw him on the 13th, evening. That day Working Committee had decided that an Advisory Committee on food would be useless without a popular government at centre and that Congress should not co-operate. Gandhi showed great distrust of Jinnah's proposal. He reminded Abell of long dispute about representative capacity during his conversations at Bombay with Jinnah. He was determined not to be representative of Congress and he admitted that if Azad was put up by Congress Jinnah would never accept. Abell suggested that willingness of Gandhi and Jinnah to sit at a table and discuss an administrative problem in the interests of India would make a great impression both in India and outside, and would augur well for immediate future. Gandhi said that if he thought it right to do this he would do it, but his instinct was strongly against it.

[1] See Enclosure 1 to No. 526, para. 1. [2] See Enclosure 3 to No. 526, para. 1.

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2. Gandhi did say that he would be ready to attend in a personal capacity if Azad represented Congress, but he was sure Jinnah would not accept this.

3. I see no use pursuing matter further and shall drop it with minimum publicity. I do not want to make relations between Gandhi and Jinnah or Congress and League any worse.

4. In incidental conversation Gandhi said to Abell that Jinnah could certainly have for his Pakistan the genuine Moslem areas.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/PO/10/23

PRIVATE AND SECRET INDIA OFFICE, *15 March 1946*
Received: 18 March

I am only writing you a short line this week. I have no letter from you to answer; probably you did not write one last week in the expectation that I might have left on our travels before it could reach me.

2. As you can imagine I have had a very busy week but most of my labours have been connected with the constitutional problem which we shall, I hope, be discussing together in great detail before many days are passed. I need not, therefore, write anything on the subject. There are, however, a couple of points arising out of our previous correspondence which I might dispose of for purposes of record.

3. In paragraph 8 of my letter of 8th February[1] I mentioned a suggestion that a Conference should be held in London to discuss the possibilities of a common Empire policy and of co-ordinating organisation in the Far Eastern Area. Bevin now tells me that various developments and complications have unfortunately interfered with this project and will make it difficult to fix it. He therefore has suspended the idea for the time being though he may return to it when Killearn's new organisation has had time to settle down and Killearn himself can be free to attend.

4. You asked in paragraph 15 of your letter of the 27th February[2] about the future of the British Council. The Cabinet's proposals about the future of publicity services when the Ministry of Information is wound up on the 31st March have now been announced, but the position as regards the British Council remains to be finally settled. It is a question not so much of the range of its activities, which I think it is agreed can usefully extend to such Commonwealth countries as desire them and to the Colonial Empire as well as to foreign

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countries, but rather of the best method of control here so as to prevent overlapping and extravagance.

My office have had it suggested to them by the Council that a visit to India by Gillan and possibly Tunnard Moore who works under him, for the object you have in mind, might be useful. But as such a visit would require to be agreed with the Foreign Office, which generally supervise British Council activities, and the Treasury which would have to sanction any further charges on the estimates, we have had to wait for a Cabinet decision about the Council's future before taking the matter up with you. Now that I have heard that you would view such a visit with favour, my office will take it up with the Departments concerned as soon as the way is clear to go ahead. Joyce will be able to tie up the details with your people at the Indian end when he comes out, and on hearing from him my office will take the necessary action. But it may now be thought better to postpone the visit until next cold weather by which time one may hope that the United Kingdom High Commissioner will be functioning.

5. This afternoon is the Debate on the adjournment in the House of Commons, about which I have sent you a telegram.[3] It was rather sprung on us, and I am sorry it was not possible to give you longer warning of the Prime Minister's statement.

6. We hope to take off on Tuesday morning and to spend a couple of days as guests of the Resident-General in his summer villa by the sea at Tunis. Our devout hope is that the Resident-General himself will not feel it necessary to exercise his functions as host in person. Our object is to have a complete physical and mental rest for a couple of days and to reach you as fresh as possible.

[1] No. 410; the date should be 7 February. [2] No. 477. [3] No. 530.

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Mr Abell to Sir Conrad Corfield

R/3/1/107: f 157

TOP SECRET *17 March 1946*

No. 592/29.

My dear Sir Conrad,

Sir B. N. Rau has reported the opinion of Political Department that the Department's views should not be quoted on any material prepared for an Indo-British Treaty so far as the Treaty would touch the subject-matter of the States.

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2. Though this may be accepted generally, do you not think that there is considerable danger in leaving in the draft[1] the item which proposes that Paramountcy should be transferred to the Government of India? This whole draft is bound to be put into the hands of the politicians, and the fact that this proposal has been made by a temporary official and one of the status of Sir B. N. Rau and has not been eliminated from the draft may well have an embarrassing effect. I think H.E. would be grateful for your advice on this point, especially as both he and the Secretary of State feel that it would be wrong in any case to transfer Paramountcy to the Government of India.

Yours sincerely,

G. E. B. ABELL

[1] Enclosure to No. 403.

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Cabinet C.M. (46) 25th Conclusions, Minute 13

R/30/1/6: ff 5–6

Those present at this Meeting held at 10 Downing Street, S.W.1, on 18 March 1946 at 11 am were: Mr Attlee (in the Chair), Mr Herbert Morrison, Mr Ernest Bevin, Mr Arthur Greenwood, Mr Hugh Dalton, Sir Stafford Cripps, Mr A. V. Alexander, Lord Jowitt, Mr J. Chuter Ede, Viscount Addison, Lord Pethick-Lawrence, Mr J. J. Lawson, Viscount Stansgate, Mr G. A. Isaacs, Mr E. Shinwell, Miss Ellen Wilkinson, Mr Aneurin Bevan, Mr T. Williams

Also present during discussion of item 13 was: Sir Orme Sargent

INDIA

Departure of Cabinet Mission

(Previous Reference: C.M. (46) 22nd Conclusions, Minute 3)[1]

THE PRIME MINISTER said that the members of the Cabinet Mission to India would be leaving for India on the following day. The Cabinet took farewell of the members of the mission and extended to them their best wishes for success in the difficult task which lay before them.

[1] No. 509.

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Lord Pethick-Lawrence to Field Marshal Viscount Wavell

L/E/8/3821: f 111

PRIVATE INDIA OFFICE, *18 March 1946*

Dear Wavell,

I must apologise for not having sent you any earlier reply to your official letter No. 4481–G of 24th October,[1] and your private letter of the same day[2] regarding the commercial safeguards, or to your further letter on the same subject of 2nd November.[3]

I am most grateful for the way in which you were able to secure the acceptance, by those Members of your Executive Council who were concerned, of the proposition that the Government of India must respect the provisions of the Constitution Act in this matter, in the executive as well as in the legislative field.

In view of the resignation of Dalal from your Executive Council and the extent to which political interest in India is taken up at present with the prospects of more fundamental changes in the Indian constitution, I do not think that I need comment in detail on your letters nor on Dalal's notes[4] regarding the four individual cases which I have brought to your notice; except to say with reference to paragraph 4 of your private letter of 24th October that it would not, I think, be appropriate for the Government here to give any assurance at this stage of the sort which Dalal desired and that the decision of the late Government which was communicated to Dalal by Amery[5] must stand, at any rate for the time being.

PETHICK-LAWRENCE

[1] No. 163; the reference should be to No. 1184–G of 24 October 1945. [2] No. 164.
[3] No. 186. [4] L/E/8/3821: ff 164–7. [5] Vol. V, No. 485.

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Chiefs of Staff Committee. Paper C.O.S. (46) 85 (0)

L/WS/1/1044: ff 73–4

India: Future Defence Requirements

OFFICES OF THE CABINET AND MINISTER OF DEFENCE, S.W.I,
18 March 1946

COPY OF A LETTER, DATED 16 MARCH 1946 FROM THE INDIA OFFICE TO THE SECRETARY, CHIEFS OF STAFF COMMITTEE

* * *

I am writing to express, on behalf of my Secretary of State, his thanks to the Chiefs of Staff for the full reply contained in your letter of the 13th March, COS. 300/6,[1] to the questions presented in my letter of the 1st March[2] in regard to Defence matters arising in connection with the Cabinet Ministers' Delegation to India. He is especially appreciative of so full a reply when the time afforded for dealing with a series of such fundamental questions was inevitably so short.

2. The Secretary of State notes the Chiefs of Staff view, expressed in paragraph 2 of your letter, that in matters affecting India's defence forces and India's local defence problems advice should be sought from the Viceroy and the Commander-in-Chief, India. In this connection, and in reference also to the view expressed by the Chiefs of Staff in paragraph 11 (c) of your letter, to the effect that in regard to internal security the presence of British forces is likely to be necessary for some time to come in order to prevent communal strife degenerating into something more serious and beyond the power of Indian troops alone to control, I am desired to say that the Ministers are of the opinion[3] that, to make British troops available to the new Indian Government for internal security purposes would conflict with their conception of independence for India, and that it would therefore be out of question to require of Indians by Treaty provision that British troops should be retained in India for such purposes; but that if Indians should spontaneously ask for the retention of British troops for internal security duties, the reply should be in the sense that this would be a matter which His Majesty's Government would be prepared to discuss but only on the basis that it would be a condition of the use of such troops for such purposes that there should be a chain of purely British responsibility for their employment.

3. I am not in a position to give a specific reply to the suggestion at the end of paragraph 2 of your letter that representatives of the Chiefs of Staff might

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be sent to India to assist the Mission in the detailed drafting of military clauses in any Treaty or Agreement; it is not anticipated that the Mission will itself proceed to this detailed stage but I think there can be no question that when that stage is reached the Chiefs of Staff advice would be sought as to the content of clauses relating to military matters. It is too early to forecast whether this detailed work would be undertaken in India or in this country.

4. It is noted that the Chiefs of Staff consider (paragraph 9 (d) of your letter and also the second sub-paragraph of paragraph 18) that India might be expected to provide Indian forces to be stationed outside India in British territories which are of importance for India's own security. This would be no doubt as feasible as it is desirable if India remains within the British Commonwealth and Empire; if, however, she were to realise her independence outside the British Commonwealth, it would presumably not be possible for Indian forces to be stationed in British territory except under specific agreement forming part, perhaps, of a Treaty of Alliance, or as the result of some obligation undertaken both by India and His Majesty's Government under the aegis of the United Nations Organisation, and subject to such conditions as might be laid down in either case.

* * *

D. T. MONTEATH

[1] No. 521. [2] No. 486. [3] See No. 524, item 3.

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Draft by India Office[1]

L/P&J/10/48: ff 132–71

INDIA OFFICE PLAN

PROPOSALS FOR A PROVISIONAL CONSTITUTION

Undated

Synopsis

His Majesty's Government may have to meet a situation in which the declared objects of the ministerial mission are not attained. They may not be able to

[1] In Nos. 318, 355, Minute 4 and 357, para. 5 reference is made to the work of an India Office Committee under Sir D. Monteath which was preparing an 'interim' or 'provisional constitution' which might be applied in the event of a breakdown in constitutional discussions. The Editors have failed to locate the India Office file with the minuting, drafts and correspondence of this Committee but they have found a cyclostyled draft of the India Office Plan attached as a reference paper to a later [*footnote 1 cont.*]

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set up at the Centre a political executive exercising undisputed authority throughout British India, nor to inaugurate a constitutional basis for a succession government or governments with which a treaty could be concluded. The Viceroy has given warning that it would be very difficult to maintain the present constitutional position after a deadlock. Is there any other way towards fulfilment of the 1942 Declaration?

2. If there had been a breakdown it would be essential to give the frustrated protagonists breathing space. There must be the minimum loss of face and no ultimate prejudice to conflicting aims. Parliament could not afford time to pass a long and contentious measure. It would be the general wish that India should have means of working towards its own salvation without recourse to further amending measures.

Main purposes to be served.

3. The foundations of a provisional constitution for India must lie in the Act of 1935. Such a constitution must continue to provide a unitary framework but within it means of satisfying, to the greatest degree compatible with preservation of India as a single State, the aspirations of Indian Moslems for self-rule. At the same time the general desire of Indians to manage their own affair[s] without interference from the United Kingdom calls for the grant of self-government to Indians over the whole field. The reservation to the Governor-General in his discretion of defence and external affairs must go. These matters must be transferred to Indian control. Constituent powers must be provided enabling the Centre to transfer to the units to the extent they desire control of all matters not essential to the effective administration of defence and external affairs. To effect these changes the Act of 1935 would require amendment to serve two main purposes (a) to enable the Provinces and the States to become federated for such matters only as are essential to maintain India's status and authority in the United Nations. That is to say, defence, external affairs and their means of execution. (b) to give the Provinces the fullest measure of self-government compatible with (a). Further, to provide for stable provincial executives elected by the legislatures so as to reflect their communal proportions and thus qualified to appoint delegates to the Centre who, with those of Indian States, could form a federal legislature and elect a ministry to transact the business of the Agency Centre.

Period of operation and range of Governor-General's and Governor's reserved powers.

4. The Constitution might be enacted to operate for five years if not superseded earlier by a constitution agreed among Indians providing for a succession government. But it could be subject to extension if necessary for such further period as Indians desire. The Governor-General and Governors appointed by His Majesty would be advised by ministers in practically the whole field of the

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government. But they would need to retain power to act in independence of their ministers for two main purposes only: (1) to safeguard, pending the conclusion of the Treaty between His Majesty's Government in the United Kingdom and the Provisional Federal Government, the position under the Government of India Act in regard to matters proposed to be covered in the Treaty, (2) to maintain by executive decision between the Centre and the units the relationship envisaged in para. 3 (a) above in cases where the Federal Court's judicial determination was inapplicable.

Method of setting up the Federation.

5. The Provinces would become federated by the bringing into operation of the relevant part of the Act as amended. It would be left to the States to decide for accession, no minimum number being required. Federal subjects, to begin with, would be as in the present Federal Legislative List but the Provinces and States could demand to contract out of the matters held not to be essential for the purpose of para. 3 (a). Of this in the last resort the Governor-General would be the judge. Neither a State nor a Province could during the lifetime of the Constitution secede from the Federation.

6. There would be a single chamber at the Centre consisting of delegates appointed by the Provincial and State Governments. These delegates would elect a ministry for appointment by the Governor-General in accordance with their communal proportions. These would be composed as prescribed for the Federal Assembly in the Government of India Act.

Constituent powers.

7. Besides operating on the Legislative Lists the Centre and Provinces could enact amendments of other provisions of the Act except those mainly for the purposes indicated in para. 3 (a) and (b) which would be scheduled as unamendable, that is to say, matters reserved to be dealt with in a treaty and provisions for maintaining the essential purposes of the Federation.

Protection of minorities.

8. In addition to the proposals for the composition and stability of ministries in the Provinces and at the Centre, the Constitution would include a Charter of Rights enforceable by the Courts.

file compiled by the Cabinet Mission in India (L/P&J/10/48) which deals with the status and functions of the proposed interim government. This cyclostyled draft is reproduced here.

In exchanges between Sir D. Monteath and Mr Turnbull dated 25 and 31 March 1946 it is clear that a draft of the India Office Plan was taken by Mr Turnbull to India although at that stage it had not been shown to Sir S. Cripps and Mr Alexander. Furthermore Sir W. Croft and Mr Turnbull advised it should not be sent to Mr Attlee. MSS. EUR. D.714/74. It is believed that the version reproduced here represents the state of the India Office Plan at the date of the Cabinet Mission's departure.

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Main advantages claimed for a Provisional Federal Constitution.

The proposed Constitution, the details of which are summarized below, appears to offer the following positive advantages:

(a) the widest possible range of self-government is secured, enabling India to take its due place among the United Nations,

(b) the Provinces and the States are given power (which they need not exercise) to contract out of matters now central which are not essential to Federation for external and defence purposes,

(c) subject to maintenance of the rights of the units to manage their own business without interference, except for essential federal purposes, and to securing to the Centre means of fulfilling its functions with due co-operation from the units, the executive consisting of elected ministers advising the Governor-General and Governors, will carry on the Government free from the risk of defeat otherwise than on a vote of confidence,

(d) the necessary amendments of the Government of India Act appear relatively simple and easy to legislate. They reduce to a minimum the dependence of India on Parliament and Whitehall,

(e) on the conclusion of a treaty the Centre and the Provinces and States will obtain an even wider range of powers,

(f) the Federal Government will be able, of its own motion, to set up a constitution-making body freely to determine the character of the Constitution which will replace the Provisional Federation. In the meantime, the provisions of the Provisional Constitution can be substantially amended (e.g. as regards the franchise), without coming to Parliament.

9. The advantages might possibly be regarded by Congress, the Moslems and other minorities and the States as sufficient to justify them in working the Provisional Constitution for the time necessary to enable them to reach agreement on the future constitution.

(Possible addendum to synopsis)

Note. With reference to paragraph 5 above, which contemplates that the Provinces would become federated by the application to all of them of the relevant part of the Act as amended, it may be found necessary to follow a different procedure in order to allow the fullest scope to the expression of Provincial autonomy in the formation of the Federation. It may for this reason be necessary, while preserving the main structure of the proposals, to permit accession to the Federation to be optional for the Provinces as well as for the States. The "Hindu" Provinces might be expected to participate at the outset, but the five Provinces involved in "Pakistan" would possibly not produce an

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effective majority in favour of accession. The Federation would then start with the acceding Provinces only; the rest would have to remain for the time being under their existing constitution, with the existing degree of supervision and control by the Governor General and the Central Government. With the acquiescence of the Provincial Legislatures, however, it might be possible to substitute in each the revised Provincial Constitution. These Provinces might well come together in a regional arrangement for dealing with matters of common concern among them, possibly leading to the establishment of a Regional Council which would advise the Governor General in the handling of matters of common concern to the respective Provinces. In due time one might hope for the accession of the dissident Provinces to the All-India Constitution.

The Proposals

Introduction

The possibility, however remote it may be, that a settlement of the Indian Constitutional problem by agreement between the Indian parties may be found incapable of achievement in the near future has suggested the need to work out proposals for a provisional constitution under which the administration may be carried on with popular support until agreement on a permanent settlement can be reached.

The following proposals are designed to meet that need. They are professedly temporary, and it is proposed that the Act of Parliament in which they will be embodied should be explicitly limited in duration to five years, with an indication that it may be replaced at any earlier date by any constitution which may be devised by Indians themselves. But it may also be extended by Parliament at the request of the Indian Legislature and with such modifications as may be adopted on the recommendation of that body.

The features which mainly distinguish these proposals from the scheme of the 1935 Act are designed (a) to meet India's desire for constitutional advance by transferring all power to popularly elected Indian executive and legislative authorities except such functions as it is deemed necessary to reserve provisionally to the impartial authority of the Governor General and Governors for maintaining the balance of the constitution or until the matters in question can be covered by treaty provisions; (b) to make the constitution more acceptable to the minority communities by making coalition governments obligatory (with appropriate arrangements for enhancing the stability of the executive) and by including a charter of rights enforceable in the Courts; and (c) to provide a measure of elasticity by enabling the constitution to be amended by the Indian Legislatures without recourse to Parliament (notably to facilitate transfer of power as far as practicable from the Centre to the Units), in matters which do not affect the essential functions and structure of the Federation and its units.

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With regard to the power of amendment, the suggested machinery for which is indicated in a subsequent paragraph, it is not contemplated that the permanent constitution should grow out of the provisional constitution by a series of amendments of the latter. The framing of the permanent constitution is properly the function of a constitution-making body, and it should be expressly declared to be one of the functions of the Provisional Government to set up and promote the work of such a body for the purpose of devising a permanent constitution to replace the provisional constitution.

It is recommended that the purposes of the provisional constitution as indicated above should be set out in a preamble to the Act, which would also make clear the intention of Parliament that the provisional constitution does not commit India to a unitary form of Government and that the right of self-determination of the units should be recognised in the final constitution.

The Structure of the Provisional Constitution

The framework proposed for the provisional constitution is as follows:—

The Constituent Parts

The Federation will consist of the British Indian Provinces as at present existing (any modification of provincial boundaries being properly a matter for the consideration of a constitution-making body) and of such Indian States as may wish to join (within a limited period, on the terms worked out before the war in the draft Instruments of Accession, or subsequently, on such terms as may be arranged by these with the Federal Government). The general conception in view is that, in place of a Centre invested with the wide powers contemplated in the 1935 Federal Constitution, there should be formed out of the existing Federal field, by a process of devolution from the Centre to the Units explained below, an Agency Centre limited in essentials to the Function of providing means for India to take her due place among the United Nations, its powers resting on the agreement of the federated units.

The Centre

The Federal Legislature. In accordance with this general conception the Legislature will consist of a single Chamber, corresponding in composition to the Federal Assembly of the Government of India Act and constituted like it by the Units and not by direct popular election. In place of indirect election by the Provincial Legislatures it is suggested, partly in the interests of uniformity between Provinces and States, but also because the single chamber is designed to represent Governments of units in an agency centre, that the members should be nominated by the Governments of all units alike. No member would be nominated for more than five years at a time; they would be subject to recall by the nominating unit; and fresh nominations would be

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a necessary consequence of a general election in a Unit, or if a fresh election of the Federal Ministry became necessary.

Powers of the Federal Legislature. The essential minimum functions of a Federal Centre are recognised to be in the sphere of defence, external affairs, strategic and trunk communications, currency and the regulation of imports and ex-exports, with the powers incidental to those subjects, including the provision of the necessary finance. It had been hoped, in recognition of the enhanced status of the Provincial units, to redistribute the existing Central powers between the Federation and the Units; but a scrutiny of the present Federal Legislative List of the Seventh Schedule of the Government of India Act indicates that this would be an impracticable task for Parliament to attempt in the present context. It is a task which can be undertaken only in India, in full consultation between the authorities concerned. It is proposed therefore that initially the provisional constitution should be based on the existing Legislative Lists, and that any redistribution of the Lists may be left to be effected by legislation in India, subject to non-interference with the due discharge by the Federal Government of its essential minimum functions as described above.

The Federal Executive. The executive power of the Federation will be vested in the Governor General, acting in most matters, including defence and external affairs, on the advice of Ministers. The transfer of defence and external affairs will be complete, subject only to the retention of certain powers in respect thereof (and of tribal areas as ancillary thereto) by the Governor General in his discretion pending the conclusion of a treaty and to such extent thereafter (e.g. in respect of British defence personnel) as the treaty may provide.

The Federal Ministry. It is proposed that the Ministers should be appointed by the Governor-General after election by the Federal Legislature, subject to observance of communal proportions on the basis, say, of 40% caste Hindus, 40% Muslims, and 20% for the other communities. Strict adherence to these proportions would give a ministry of 10 members (4–4–2) or of 15 (6–6–3); the latter figure is however to be deprecated as being unduly large for the goal of an "agency centre". Provision would have to be made for the inclusion in the ministry of one or more representatives of the States. Assuming a ministry of 10 (of whom one or two would be States representatives, the number to be decided by the Governor General in the light of the number of acceding States), the suggested process of election would be, firstly a primary election by communities to form a panel of candidates—say, a panel of 8 elected by caste Hindus, a similar panel elected by Moslems, a panel of 4 elected by the remaining British Indian representatives, and a panel elected by the States representatives of 2 or 4 candidates (according as the Governor General has decided that 1 or 2 States representatives should be included). The whole Assembly would then elect from the panels of 22 or 24 candidates a ministry of 10 on the prescribed proportions, the elected States' candidate

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or candidates being included in the appropriate group (or groups) with a corresponding diminution therein of the number of British Indian candidates. The elected Ministry will in its turn elect one of its number to be Prime Minister.

Ministers will be appointed for the life of the Legislature. The Governor General must retain the power of dismissal; but in the interests of stability the Ministry will not ordinarily be required to resign as the result of an adverse vote in the Legislature. The latter will however be able to move a vote of no-confidence once a year (otherwise than in the budget session), and the Ministry will be required to resign if the vote is carried by a two-thirds majority. It would further promote stability if Ministers were not liable, as the ordinary members of the Legislature would be, to recall by the nominating unit.

As a corollary of the foregoing it is necessary that the Ministry, in so far as it is unaffected by an adverse vote of the Legislature, should have power to secure essential legislation (including taxation). It is not proposed to deny the Legislature the power of rejecting budget demands; but it is suggested that, for purposes essential to the conduct of the administration, the Governor General, exercising his individual judgment, should have power to restore rejected grants or to enact necessary legislation which has been refused by the Legislature by certifying the grant or the Bill as essential to prevent a breakdown of the administration or to safeguard the welfare of the people.

In addition the Governor General, acting on the advice of his Ministers, should have power to enact by short-term Ordinance legislation required to meet an emergency when the Legislature is not in session. He should however be empowered in such case to exercise his individual judgment as respects the promulgation of any such ordinance if a Bill containing the same provisions would under the Act have required his previous sanction to the introduction thereof into the Legislature (cf. S. 42 (1), proviso (a), of the 1935 Act).

Special powers of the Governor General

The "special responsibilities" of S. 12 of the present Act will be drastically reduced, the powers passing to the Federal Government; but the general responsibility of S. 12 (1) (h) (i.e. the securing that the due discharge of his functions acting in discretion or individual judgment is not impaired) will have to be retained. In addition, the Governor General should be invested with an overriding special responsibility to maintain in the field of executive action the stability of the constitution and the conception of the relationship between the Centre and the Units implied in the agency centre which is being set up (or, implied in the preamble of the Act, if an appropriate preamble is included). In furtherance of this power it may be suggested also that the existing special responsibility in S. 12 (1) (g) may be retained but extended to protect not only the rights of any Indian State but also the rights of any Province.

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As an instrument for the discharge of his special responsibilities the Governor General should have power at any time to enact legislation by the promulgation of an Ordinance, this power being exercised by him in his discretion after consultation with his Ministers.

The special powers provided by certain sections of the Act which it is considered desirable to retain are listed in Appendix A.

Transitional Provisions

In addition to the special powers of the Governor General referred to above and in Appendix A there are certain provisions of the Act, including provisions relating to special powers exercisable by the Governor General or Governors or both, in respect of matters which it is hoped to regulate by treaty. It is proposed that these should be enumerated in a Schedule (cf. Appendix B) as provisions the operation of which will be terminated by Order in Council when alternative provision has been made by Treaty.

The Provinces

The Provincial Legislature

Franchise: No change is proposed at this stage in the present franchise: but it will be open to each Province to amend its own franchise.

Number of chambers: Again no change is proposed at this stage; but Provinces will have power to alter the present position, whether by abolishing a second Chamber where one exists, or by creating one (in the latter case it is desirable that the communal proportions of the Lower House should be adhered to).

Length of Life: As laid down in the present Act. Although the existing Legislatures have recently been elected under the 1935 Act and therefore have no mandate to operate the Provisional Constitution, it is not recommended that its introduction should be delayed until fresh elections are held. But it would be within the competence of the Federal Government in connexion with the establishment of a constitution-making body (or bodies) to ensure that the view of the Provincial electorates is tested, either in preparation for setting up a constitution-making body or for the ascertainment of popular opinion on the recommendations of such a body.

Before the expiry of the normal life of the Legislature new elections may be ordered as part of the functioning of the Provisional Constitution, e.g. (a) as the result of a substantial modification of the existing franchise which would warrant a fresh election, or (b) upon a dissolution following a ministerial crisis.

Legislative powers: These will remain as defined in the present Provincial and Concurrent Legislative Lists, pending any redistribution between the Centre and the Units which may be effected as provided in these proposals.

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The Provincial Executive: The executive authority of a Province will be vested in the Governor, acting (with limited exceptions) on the advice of a Ministry.

The Ministry: The essential desiderata are that the Ministry should be stable, and that it should have the support of a substantial section of all communities. The number of Ministers, subject to a prescribed minimum, having been settled by the Governor in his discretion in consultation with party leaders, it is proposed that the Governor should appoint as Ministers persons recommended for the purpose by election by the whole Legislature (using the system of proportional representation with the single transferable vote). The Ministers will in their turn elect one of their number as Prime Minister.

As provided for the Centre, the Provincial Ministry will normally not be required to resign as the result of an adverse vote of the Legislature. But to avoid excessive rigidity it is proposed that once a year (but outside the budget session) the Legislature should have the right to move a vote of no confidence in the Ministry, and if the vote is carried by a two-thirds majority the resignation of the Ministry will follow. The power of dismissal as well as of appointment will remain with the Governor, who, for example, may find it necessary to dismiss an individual minister; in exercising this power he would act in his discretion in consultation with the Prime Minister. (Normally the Governor would attempt to get the Prime Minister to secure the resignation of the Minister, and would exercise his power of dismissal only if the attempt failed).

If in the interests of stability the Ministry is normally independent of the vote of the Legislature it must be assured of supply and of essential legislation. Similar means are proposed for this purpose as in the case of the Centre, namely, that in the event of necessary supply or essential legislation being refused by the Legislature the Governor, acting on the advice of his Ministers, should have power to restore the grant in whole or in part or to enact the legislation, provided that in his individual judgment he certifies that it is essential to the conduct of the administration in the interests of the Province or for the satisfaction of the legitimate requirements of the Centre. Further the Governor, like the Governor General, should have power, acting on the advice of his Ministers, to enact by short-term Ordinance legislation required to meet an emergency when the Legislature is not in session. The exercise of this power would be governed by the proviso to S. 88 (1) of the Act which attracts the exercise of the Governor's individual judgment in certain respects.

In addition it is considered that power should be conferred on the Governor, in the exercise of his individual judgment, to enact at any time a short term Ordinance for the purpose of dealing with an extremely urgent emergency, or in the discharge of his special responsibility for ensuring compliance with the legitimate requirements of the Centre.

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The Governor:

Special powers: In addition to certain special powers which it is proposed to schedule as transitional (Appendix B) it is considered that certain special powers, mainly those proper to the constitutional head of a Government, should be retained for personal exercise by Governors. A list of these powers is given in Appendix C.

Accession of Indian States

The method of accession to federation as prescribed in Section 6 of the Government of India Act takes the form of a declaration by a Ruler to His Majesty, who is free to accept or reject it according to whether it appears to him that the terms are consistent with the scheme of federation in the Act. Before the establishment of Federation draft instruments of accession were to be submitted to His Majesty for acceptance through the Crown Representative: after the establishment of federation, through the Governor General advised by Ministers: and 20 years after federation only with the support of a resolution in the Federal Legislature.

It is proposed that the introduction of the Provisional Constitution should not (unlike that of the Federation under the 1935 Act) be conditional on the accession of a specified minimum proportion of States. But it is desirable to encourage the accession of as many States as possible, and it is therefore suggested that within a limited period after the passing of the new Act providing for the Provisional Constitution, say six months (which may well be required for the preliminary preparations before the Act is brought into force), States should be allowed to accede on the basis of the draft Instruments of Accession which were worked out before the war, subject to any essential modifications thereof which the Crown Representative may decide upon and publish.

The terms of the Instruments so accepted would become part of the Constitution but may be amended by a Supplementary Instrument. It is suggested that after the establishment of the Provisional Constitution a Supplementary Instrument should require to be submitted through the Governor General advised by Ministers, and further that it should be able to diminish as well as to extend the functions exercisable by the Federation in the State. This will permit of a process of devolution parallel with that suggested for the transfer of powers from the Centre to the Provinces, the Governor General in either case being empowered in his individual judgment on the one hand to protect the rights of a State or a Province, on the other to ensure that the content of federal authority is such as to enable the Indian Federation to maintain its due place among the United Nations.

After the prescribed period States would have to make their own bargain with the Federal Government. The suggested representation of the States in the

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Federal Ministry should ensure that in the process of bargaining the general case of the States will not go by default.

Amendment of the Provisional Constitution

General. It is proposed that parts of the Act, as indicated in a schedule thereto, should be open to amendment by the Federal Legislature, or by a Provincial Legislature. (A tentative draft schedule is attached in Appendix D).

Amendment of the Legislative Lists. It is proposed that responsibility for effecting a devolution of items from the Federal List (as at present composed) to the Provincial or Concurrent List—a process complementary to the conception of an Agency Centre—should be transferred to Indian hands. A redistribution of powers cannot be imposed by Parliament and must be based on agreement between the Indian interests concerned. As indicated above, in reference to the powers of the Federal Legislature, devolution must be subject to the preservation of the essential powers of the Federation.

Devolution may take place on the initiative either of the Federal Legislature or of a Provincial Legislature (or of an acceding State). In all cases it is suggested that the introduction in the Federal Legislature of the appropriate Bill or Resolution should be subject to the prior sanction of the Governor General in his individual judgment. This power seems an essential aspect of the discharge by the Governor General of his special power to maintain the conception of the relationship between Centre and Units which underlies the Act.

When the initiative is taken by the Centre, it is proposed that, to ensure the necessary measure of general agreement, legislation for the devolution of items should require a two-thirds vote of the Legislature.

When the initiative is taken by a Province to claim devolution of one or more items from the Federal List, the claim, if supported by two-thirds of the Provincial Legislature, would be forwarded to the Federal Government, who, with the prior sanction of the Governor General exercising his individual judgment, would bring it before the Federal Legislature, possibly in the form of a resolution which should become operative unless objection is raised to it within a specified time. If objection is raised, and the Governor General considers a case is made out for rejection of the claim on the ground of interference with the essential functions of the Federation, the claim fails. If however the Governor General considers the claim reasonable, he should have power to bring it again before the Legislature in the ensuing session; if objection is again raised and the Governor General still considers the claim reasonable he should have power in his discretion to enact a Governor General's Act making the resolution operative. (The legal processes involved would require expert investigation.)

This discretionary power of the Governor General, which should be exercisable equally in the case of a claim by an acceding State to which the

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Legislature has objected, is essential in the absence of any other authority in India capable of deciding between the claims of the Units and the Centre.

It is also contemplated that by a reverse process one or more Provinces or States might be enabled to hand over powers to the Centre; the transfer might even be effected by the agreement and at the request of all the units.

In connexion with the contemplated redistribution of powers it should be recalled that provision exists in Section 102 for the exercise by the Federal Legislature in a period of emergency of powers normally belonging only to the Provincial Legislatures. The definition of "emergency" in this section is however too narrow; it requires to be extended to cover an emergency arising from famine or pestilence, and the words "whether by war or internal disturbance" should be omitted.

The Railway Authority

Part VIII of the 1935 Act is not yet in operation. It is suggested that this part of the Act should be left as it stands, but not brought into operation with the rest of the Act, a provision being included enabling it to be brought into operation subsequently by the Federal Legislature, with such amendment as the Legislature may think desirable.

Appendix A to No. 541

Special powers of the Governor General

(exercised in discretion, i.e. in respect of which the Ministry has no right to tender advice; with the exception of those asterisked, in respect of which the Governor General exercises his individual judgment, i.e. the Ministry tenders advice but the Governor General is free to accept or reject it).

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s. 9: Presiding over meeting of Council of Ministers.

10: Summoning and dismissal of ministers: in addition the Governor General should be empowered in his discretion after consultation with his Prime Minister to decide on additions to the number of ministers and the dismissal of an individual minister.

*12: (see above [page 1220])

17: Conduct of business: but rules made in discretion will be confined to those relating to the Governor General's discretionary powers.

19: Summoning, proroguing and dissolution of Legislature.

20: Right to address and send messages to Legislature.

22: Appointment of acting Speaker.

*28 (4): Rules regarding attendance of officials before Committees of Legislature.

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32: Assent to Bills (limitations on the exercise of the power of refusing assent will be indicated in the Instrument of Instructions).

33: Classification of items chargeable on Federal revenues. (Certain items of (3) to be omitted).

38: Rules of legislative procedure (but with modifications of this Section).

40 (2): Restrictions on discussion of Bills in relation to his special responsibility (the Section being amended in view of the omission of 12 (1) (a)).

*42 (1)
43
44 } Powers relating to making of Ordinances and Acts.

45: Breakdown provisions (this raises special difficulties in relation to the proposals for the composition of the Legislature and Ministry: but the retention of the Section appears necessary.) It should however be provided that if the Governor General is deprived of the advice of a normally constituted ministry he should himself select and appoint a temporary administration to advise and assist him in the same way as a Ministry normally would do.

54: Control of Governors in the exercise of their special powers.

76: Assent to Provincial Bills.

88–90: In so far as under these sections Governors retain powers in discretion or individual judgment, the Governor General's discretionary control should remain.

93: Control over "breakdown" powers of Governors.

102 proviso to (1): Control over emergency legislation by the Centre in the Provincial field.

104: Empowering Legislatures to legislate on matters not yet enumerated in the Lists. (i.e. residual powers which under this section lie neither with the Centre nor the Units but with Parliament).

108 (1) (a) to (c), and (2): Control over the introduction of certain classes of Bills in both Central and Provincial Legislatures.

125: Control over the administration of Federal Acts in States (but this *discretionary* power is not indispensable).

126: Control over issue of executive directions to Provinces.

126A: Emergency provision: central control in executive sphere.

128: Exercise of Federal executive authority in relation to States (also not indispensable as for 125).

129 (4): Control in relation to broadcasting.

131: Investigation of complaints relating to water supplies.

132: Interference with water supplies of Chief Commissioners' Provinces.

141: Taxation in which Provinces are interested.

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175: Official residences.
202: Federal Court: acting appointments of Chief Justice and Judges.
206: Federal Court: control over legislation for enlargement of appellate jurisdiction (retention not indispensable).
213: Power to consult Federal Court (but this should be conferred also on the Governor General acting on advice).
*216: Charging of expenses of Federal Court on Federal revenues.
246: It is suggested that a new discretionary power should be conferred on Governor General and Governors in regard to postings, enabling them, after consultation with the Prime Minister, to appoint Heads of Departments and to designate by rules the officers by whom other postings are to be made.
265, 266: Public Service Commissions. (These sections should be amended, except at the end of 266 (3), to provide that Governor General and Governors act in their discretion after consultation with the Prime Minister).
267: Control over legislation adding to functions of Public Service Commission.
270–271: Indemnity, and protection of officials against prosecutions and suits.
286: Use of troops for Crown Representative (a difficult section, which might be relegated to the Transitional Chapter or redrafted to cover the use of troops in *any unit*).
305: Appointment etc. of secretarial staff.
(308: This section to be amended, to enable the Indian Legislatures to amend provisions of the Act as indicated in a Schedule (cf. Appendix D).)

Appendix B to No. 541

Schedule

Transitional provisions, i.e. provisions subject to repeal by Order in Council when alternative provision has been made by treaty.

[*This Appendix is not printed.*]

Appendix C to No. 541

Special powers of Governors

(With the exception of the asterisked individual judgment powers all are exercised in discretion.)

50: Presiding at meetings of Council of Ministers.
51: Appointment and dismissal of ministers (with additional powers as proposed for the Governor General under s. 10).
*52 (1) (g): This special responsibility for the execution of directions

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issued by the Governor General in his discretion should be extended to cover directions lawfully issued by the Governor General acting on advice, i.e. by the Central Government (which would require this power e.g. in respect of interprovincial disputes threatening the peace and tranquillity of India).

59: Regulation of conduct of executive business.

62: Summoning &c. of Legislature.

63: Right to address or send messages to Legislature.

*71 (4): Attendance of officials &c. before Committee of Legislature.

74: Summoning of joint sessions of a bicameral legislature.

75: Assent to Bills (The Governor's functions hereunder being limited by his Instrument of Instructions).

78 (4): Charging of certain expenditure on Provincial revenues. (Certain items of (3) omitted).

84: Rules of legislative procedure (subject to certain modifications of this section).

*88: Promulgation of Ordinances when the Legislature is not in session.

*89: Promulgation of Ordinances in an emergency.

93: Breakdown provisions: It is necessary that these should be retained; but, the case arising of a *prolonged* breakdown and not a temporary interregnum, the Governor, like the Governor General (s. 45), should be required to appoint a temporary administration with whose advice and assistance he would act.

123: Governor as agent of Governor General (a central function).

175 (1): Official residences.

222: The Governor should take over the Governor General's discretionary power for the temporary appointment of High Court judges.

246: As for the Governor General—a new discretionary power in relation to postings.

*254: Appointment &c. of district judges.

265, 266: Public Service Commission—as for the Governor General.

267: Functions of Public Service Commission.

270, 271: Indemnity, protection of Officials against prosecutions and suits.

305: Secretarial staff.

(308: See under Governor General.)

Appendix D to No. 541

Schedule

Provisions of the Act which may be amended by the Federal Legislature or by the Provincial Legislature

[*This Appendix is not printed.*]

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542

Sir Conrad Corfield to Mr Abell

R/3/1/107: f 159

TOP SECRET NEW DELHI, *20 March 1946*

My dear Abell,

Will you please refer to your top secret d.o. letter No. 592/29 dated 17th March 1946.[1]

2. I agree that it is most undesirable that a clause transferring Paramountcy to the Government of India should be left in the draft.[2] Indeed, I think it would be wise, if future embarrassment is to be avoided, to omit from the draft all the clauses relating to the States.

3. As I see the position, it will be our task to ensure that States are offered reasonable terms for accession to the new Federation. If a reasonable offer is made, and accepted, all functions of Paramountcy other than those for which provision is made in the Constitution will lapse. If a reasonable offer is made and refused, the Crown can justifiably claim to have discharged its fundamental obligations to the States and would relinquish the rights and obligations attaching to Paramountcy. But until such time as a reasonable offer is made, the Crown has the duty, and must retain the means, to implement its obligations to the States.

4. Clauses in the draft Treaty based on the assumption that Paramountcy will be transferred to the future Government of India would prejudice the States in their negotiations with British India. On the other hand, it may well be that draft clauses indicating that Paramountcy would not be transferred would encourage States' representatives to adopt an intransigent attitude. Rau now agrees with me that, in the circumstances, the only safe course to adopt is to omit from the draft Treaty all the clauses which relate to the States; and I hope that His Excellency will agree to the draft being modified accordingly.

Yours sincerely,

C. CORFIELD

[1] No. 537. [2] Enclosure to No. 403.

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Mr Abell to Sir Conrad Corfield

R/3/1/107: f 160

TOP SECRET *20 March 1946*

My dear Sir Conrad,

Thank you for your D.O. letter of the 20th March.[1] H.E. agrees that all mention of the States should be omitted from the Draft Treaty and I have informed Sir B. N. Rau accordingly.

Yours sincerely,

G. E. B. ABELL

[1] No. 542.

544

Mr V. P. Menon to Mr Gibson

L/P&J/8/472: ff 99–101

D.O. No. F. 94/3/45-R-II NEW DELHI, *22 March 1946*

My dear Gibson,

I forward herewith for information a copy of a general appreciation of the results of elections to the Punjab Legislative Assembly, 1946, prepared by the Election Commissioner, Punjab.[1]

A statement showing the names of the candidates elected to the Provincial Legislative Assembly, together with their party affiliations, will be sent as soon as it is ready.[2]

Yours sincerely,

V. P. MENON

Enclosure to No. 544

GENERAL APPRECIATION OF THE RESULTS OF ELECTIONS TO THE PUNJAB LEGISLATIVE ASSEMBLY 1946

This General Election was very keenly contested in view of the constitutional changes that were likely to take place after the War. The life of the Legislature had been prolonged beyond its normal term of five years on account of the war and this also added great interest to the elections. Besides the Unionist Party which was the party in power since 1920, the Congress, the Muslim League, Panthic (Akalis), Ahrar, Communist, and Khaksar Parties contested the election. Two parties, above, the Congress and Muslim League, put up 86 and 85 candidates respectively.

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2. In the result 51 Congress members were returned including one Congressman from the joint East Punjab Non-Union Labour constituency, the Congress also captured the East Punjab Landholders seat, the Commerce and Industry and the Punjab University seats.

3. The Muslim League captured 74 seats. The Muslim returned as an independent from a Labour seat joined the Muslim League after the election raising the strength of the Muslim League to 75.

4. There was a keen contest between the Congress Sikhs and Panthic (Akali) Sikhs, the former securing 10 seats and the latter 23 seats including one Landholders' seat.

5. A notable feature of the election was the defeat of the Unionist Party which lost most of the Muslim seats to the Muslim League by very big majorities. In the Ambala Division which was once a stronghold of Hindu Unionists the party could secure only three seats including one Scheduled Caste. In this Division the Congress won the seat held by the late Hon'ble Sir Chhotu Ram as also the seat of the Revenue Minister, the Hon'ble Ch. Tika Ram.

6. The Ahrar Party which had two seats in the old Assembly lost both these seats to Muslim League candidates. This party was thus eliminated.

7. The Hindu Sabha as a body did not contest the elections. There was one Hindu Sabhaite candidate in the Amritsar City (General) Constituency but he was defeated and lost his security.

8. A feature of the election was that, generally speaking it was run on communal issues. The Muslim League took its stand on the plank of Pakistan & Islam in danger and its appeal went home to the Muslim masses. The Congress on the other hand fought the elections on the basis of an undivided India and of Independence and won the favour of the majority of the Hindus and in some cases of the Sikhs. Notable defeats were those of the Finance Minister, Sir Manohar Lal, the Revenue Minister, Ch. Tika Ram, the Ahrar Leader Maulvi Mazhar Ali Azhar. Among prominent successful candidates may be mentioned the Nawab of Mamdot (Muslim League), Begum Shah Nawaz (Muslim League), Sir Muzaffar Ali Qizilbash (Unionist), Raja Ghazanfar Ali (Muslim League), Sardar Shaukat Hyat-Khan (Muslim League), Mian Mumtaz Mohd Daultana (Muslim League), Malik Barkat Ali (Muslim League), Sir Allah Bakhsh Tiwana (Unionist), Sir Feroz Khan Noon (Muslim League), Sir Jamal Khan Leghari (Unionist), Major Ashiq Hussain (Unionist), The Hon'ble Sardar Baldev Singh (Panthic) and Sardar Ujjal Singh (Panthic Akali). The Hon'ble Malik Khizar Hyat Khan had the unique distinction of being returned from three constituencies—one Muhammadan constituency and two Landholders' constituencies.

[1] Mr. A. A. MacDonald. [2] A full statement giving these details is on L/P&J/8/472: ff 8–16.

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9. The Muslim League has emerged as the largest single party with 75 members, with the Congress coming next with 51 members. After the elections there has been some accession of strength to the Muslim League as three or four Unionists including two Ministers Sir Jamal Khan Leghari and Major Ashiq Hussain have joined this party. One Muslim Leaguer elected from the outer Lahore (Muhammadan) constituency has gone over to the Coalition Party formed after the elections and consisting of Congress, Akalis and Unionists.

10. Dewan Chaman Lal who was elected to the Central Legislative Assembly in December 1945, stood also as a candidate for the Punjab Legislative Assembly and was elected. He has now chosen to give up the Provincial Legislative Assembly and will remain a member of the Central Legislative Assembly.

11. Another noteworthy point is that the Communist Party which put up 24 candidates has failed to secure a single seat, stalwarts like S. Teja Singh Swatantra and S. Sohan Singh Josh having been unseated by fairly big majorities.

12. The trend of voting shows that, generally speaking, there were big majorities for successful candidates and defeated rival candidates lost their securities.

13. A notable fact is that the elections unlike previous elections were fought on party lines and not on personal, tribal or caste considerations. Party labels in the case of Congress and Muslim League went a very long way to ensuring the success of candidates. There was a falling away of personal influence in swaying the votes and that may be a pointer showing the trend of future elections.

545

Field Marshal Viscount Wavell to H.M. King George VI (Extract)

Wavell Papers. Private Correspondence: H.M. The King, pp. 110–14

THE VICEROY'S HOUSE, NEW DELHI,
22 March 1946

Your Majesty,

My last letter[1] was written at the end of 1945. This one is intended to cover the first quarter of 1946, up to the arrival of the three Cabinet Ministers in the last week of March, which will begin one more effort to bring about a settlement of India's constitutional problem. I hope it will be successful. Though it is not easy to be optimistic about the prospects of agreement, there is no doubt whatever about the grim results that would be the consequence of failure.

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The last three months have been anxious and depressing. They have been marked by continuous and unbridled abuse of the Government, of the British, of officials and police, in political speeches, in practically the whole of the Press, and in the Assembly; by serious rioting in Bombay; by a mutiny in the R.I.N., much indiscipline in the R.I.A.F., some unrest in the Indian Army; by an unprecedented drought and famine conditions over many parts of India; by threatened strikes on the Railways, and in the Posts and Telegraphs; by a general sense of insecurity and lawlessness.

It is a sorry tale of misfortune and of folly. Perhaps the best way to look at it is that India is in the birth-pangs of a new order; that birth-pangs are never pleasant and often dangerous; and that the crude methods of Indian midwives are notorious but not always fatal.

2. To deal first with law and order, the primary obligation of any Government. I said in my last letter that I did not think the Congress leaders wanted serious disturbances, at any rate till after the elections; and I am sure that this was true. Unfortunately, they seem unable to realise the logical consequences of their actions and to have little sense of responsibility. I have warned them repeatedly that incitement to violence by intemperate speeches can only result in violence; they agree, but continue as before. In normal times one would have had most of the leaders arrested for sedition several times over by now. But in view of the elections and in the hopes of a settlement after the elections it has been necessary to give them licence, which they have abused. It has been practically impossible to discriminate, since the principal Congress leaders have been amongst the worst offenders. It was necessary either to arrest the leaders again and start a new period of suppression, or to "sit and suffer". Nehru is the most consistently violent in his speeches and the most irresponsible; Sinha, the ex-Premier and perhaps the future Premier of Bihar, is a good second; with Pant, who occupies a similar position in the United Provinces, close up. Vallabhbhai Patel is as violent as any when he does speak, but has seen the red light lately, I think, and has shown a greater sense of responsibility. Gandhi and Azad have on the whole been fairly reasonable. The students and the mob are out of control of the leaders; and are only kept within bounds by the firmness of the Police, who are standing up well to some severe trials.

3. The men on whom the present policy falls really hardly are the District officers and country Police. They find themselves abused and threatened, sometimes by name, before the people on whose respect their influence and safety depend; and naturally regard the policy which tolerates all this as pusillanimous and senseless, especially with memories of August 1942 in their minds. The isolated British—planters and such—in country districts are also beginning to be anxious about the safety of their wives and families. Small wonder that

[1] No. 322.

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some of the British officials begin to think that retirement to England with a small pension or even without a pension may be preferable; and that some of the Indians in Government service think it will be advisable to make friends betimes with the Congress, who are apparently to be their future masters. It is impossible not to sympathise with them; but I do not think there is any middle course between another period of repression, which gets us nowhere, and continued tolerance, in the hope of getting somewhere—of getting a settlement which will relieve us of our present burdens of responsibility without full power and of subjection to unreasoning hatred without due cause.

4. It has been unfortunate that the Elections have had to be spread out over so long a period; they began in November last and will not be finished till April. So far there have been fewer heads broken than we expected, in spite of all the virulence of election speeches.

The one touch of election comedy I have heard came from a petition by a backward tribe in Bihar—the tribe that supplies a large proportion of the coal-miners. The Governor had fixed a date for them to go to the polls to elect a representative; and their petition showed that on the prescribed date they would be "in the throb and thrill of the most important harvest festival, and would need a margin of at least seven days to recover from its full drunkenness, and to be in a sober, sane and business mood".

I am told that some of these same Santals threatened to strike when the ban on women working underground in the mines was re-imposed last month.

5. The R.I.N. mutinies came on us with practically no warning. How far the men had any real grievances will be shown by a Commission of Enquiry. The R.I.N. has expanded so rapidly during the war that it is very short of experienced officers and petty officers; and it has not the background and traditions of the Indian Army. But that the expression of any grievances there were took the form it did was undoubtedly due to instigation by political agitators, Communist and Left-wing Congress. The riots in Bombay which accompanied the mutiny were simply due to the dangerous mobs which are always ready in any Indian city to seize the opportunity for burning and looting; they have of course been encouraged by the violent speaking of the last six months. A very ugly situation was extremely well handled by the police and military.

The example of the R.A.F. and their so-called "strike" had undoubtedly some responsibility both for the R.I.N. mutiny and for the present state of the R.I.A.F., who can only be described as sullen and unstable for the most part. Here again there is a lack of background due to rapid expansion, and also some political agitation.

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The most disturbing feature of all is that unrest is beginning to appear in some units of the Indian Army; so far almost entirely in the technical arms. Auchinleck thinks that the great mass of the Indian Army is still sound, and I believe that this is so. It may not take long, however, to shake their steadiness if the Congress and Muslim League determine to use the whole power of propaganda at their command to do so.

The almost unbelievable folly of the political leaders is illustrated by recent events in Delhi. They decided to boycott Victory celebrations and called on their followers to demonstrate against them. On March 7th I saw, I think, the most impressive parade and the finest body of men I have seen in 45 years service; I came away full of pride in the Indian Army which British officers have created—to learn a few hours later that these men while marching off parade had been jeered at by students and such, and that hooligans had broken loose in Delhi City, under pretext of demonstrating against Victory, and had caused widespread damage. To protest against the spending of 10 lakhs on these celebrations they did at least 70 lakhs worth of destruction: such is the logic of political India. I have never been more disgusted with Indian politics; and have taken occasion, while seeing political leaders shortly afterwards, to express myself very plainly indeed to them about their insult to the Indian Armed Forces, who have saved India and so greatly raised her prestige. I told them that their folly in exalting the few thousand traitors of the I.N.A., who were chiefly the cowards and softlings of the Indian Army, and in belittling the great mass who had been loyal and saved India, would recoil on their own heads. They listened in silence and professed to agree, but I doubt whether there will be any real change of heart, though I think some are beginning to realise their blunders.

6. The I.N.A. trials have sunk to a back page of the Press now that they reveal the brutalities inflicted on the loyal prisoners. These are the trials which should have taken place first. It was undoubtedly a serious blunder to place on trial first men against whom no brutality could be proved. Congress turned on the best legal brains in India to defend them, and the full force of a completely unscrupulous and irresponsible propaganda by the Press and in political speeches, to exalt these men into national heroes. Having obtained their effect, they now almost ignore the brutalities revealed in later trials.

I understand that Your Majesty will have seen General Auchinleck, who went home on March 10th for a short visit, before you receive this letter; and he will doubtless have given you details on some of the matters I have dealt with above.

7. The famine crisis came unexpectedly, though no disaster can be entirely unexpected in this land of calamities. About last October I said rashly that it looked as if we should not be worried about food for the next six months.

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The Rain-God must have heard, and with a grim smile turned tightly off the tap marked "Monsoon, India"—he seems instead to have got down to some spectacular experiments with storm effects on the British coasts. The winter drought in South India was unprecedented since some 50 years, hardly a drop fell in October, November or December, the normal period of the S.E. monsoon. To make matters worse, a cyclone hit the coast further north and destroyed the rice crop over a wide area; and the winter rains in northern India were very late and weak. I flew down to Bangalore in early February and saw for myself how bad things were in large districts of Madras and Mysore; I had already seen some of the affected areas in Bombay.

We have taken all possible measures, I think, to secure increased imports of grains, and to obtain and distribute with equity the maximum proportion of the produce of India; but the difficulties are immense. I have also been trying to enlist the active support of Congress and the Muslim League, but without success, though both pay lip service to the idea that the food crisis should not be a matter of party politics. I tried to form a high level Advisory Committee: Azad made the suggestion himself and promised support, but the Working Committee, to whom he referred it, refused to play; Jinnah promised his personal co-operation if Gandhi would sit in conference with him, but would have nothing to do with Azad; Gandhi to whom I sent my Private Secretary with Jinnah's proposal, would not consent, on his usual convenient plea that he is not a member of Congress. In other words, they will not forgo party advantage even in face of famine.

8. The break of trade relations with South Africa is unfortunate but was impossible to avoid. By some stolid stone-walling against my impetuous and not always very wise Member for Commonwealth Relations, I succeeded in postponing the issue during the war, but it was not easy. The treatment of their countrymen abroad is a matter on which all politically-minded Indians feel very strongly and they are hardly open to reason on it. The Indians in South Africa are unfortunately far from the best type of Indian, they are mostly of the coolie or petty trader class, or their descendants. I am afraid that a trade war between India and South Africa will bring no good to anyone, least of all to the Indians in South Africa. It is a pity that Smuts could not agree to the high-level conference which I urged on him, but he also has great difficulties and though sympathetic could do little, since the feeling in South Africa is also so strong.

9. The meeting of the Chamber of Princes in January was the first at which I had presided. Last year, as you will remember, Sir, the Standing Committee tried to force my hand by resigning on the eve of the meeting. The business is usually formal for the most part; but this year the Princes came closer to realities than ever before; and in their speeches, at all events,

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recognised the necessity for moving with the times. How far they will put their professions into practice is another matter. I think the majority of them will not move very far or very fast till forced by circumstances; but some of the wiser ones have realised that a new India is coming, and are taking counsel among themselves and also to some extent with the leaders of the Congress and Muslim League. I had quite a frank talk with the Chancellor, Bhopal, the other day.[2] He is shrewd though tortuous.

[2] See Enclosure 2 to No. 526.

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Glossary

AKALI *Lit.:* worshipper of the eternal one. A fervent devotee of the Sikh faith. In modern usage, a member of the extreme Sikh nationalist party.
AMAN Rice grown on low wet ground, sown July–August and reaped in December; winter rice, the main rice crop.
AZAD HIND Free India.
BANIA Hindu trader or shopkeeper, usually also a moneylender.
BASHA Residential hut made of reeds, straw or bamboo.
BHADRALOG Respectable people or gentlemen.
CASTE HINDU A Hindu not belonging to the Scheduled Castes, i.e. not an untouchable.
CHAUKIDAR (CHOWKIDAR) Watchman, village watchman.
CHOWKIES Police or customs posts.
DACOIT Member of a gang of robbers.
DARBAR (DURBAR) Court, ceremonial assembly; government of a Princely State.
DETENU Person detained in custody; specifically a political prisoner in India (1918) *O.E.D.*
DIWAN Minister in Princely States; Chief Minister; also Council of State.
DOGRA Inhabitant (Hindu) of the Duggar tract in the Himalayan foothills now mostly comprised in the Jammu territory of Kashmir; Dogras were recruited in considerable numbers to the army.
DUSSERA (DUSEHRA) Ten-day Hindu festival in October symbolising the triumph of good over evil.
FIRKA Group, sect.
GOONDA Hooligan.
GRAND MUFTI *see* MUFTI.
GURDWARA Sikh temple.
HARIJAN *Lit.:* the people of God. Term coined by Gandhi for the untouchables. Title of Gandhi's paper.
HARTAL Shopkeepers' strike, strike.
HAVILDAR Non-commissioned officer in the Indian Army corresponding to a sergeant.
HUR *Lit.:* Free man. Member of group of guerrillas or bandits with a quasi-religious background, operating in Sind under the leadership of the Pir Pagaro.
ID-UL-ZUHA Muslim festival commemorating Abraham's willingness to sacrifice his son.
JAT The great agricultural caste (tribe) of north-west India found in the Punjab, Sind, Baluchistan, western United Provinces and Rajputana, comprising people of the Muslim, Hindu and Sikh faiths.
JATHA Company, organised band of people proceeding somewhere for the purpose of political demonstration.

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JEMADAR (JAMADAR) The lowest rank of commissioned officer in the Indian Army; also used of a certain rank of officers in other forces.
-JI *Lit.:* Life, soul. As a suffix to a name denotes affectionate respect.
JOWAR A species of millet.
KHADI (KHADDAR) Hand-loom cloth from hand-spun yarn.
KHAKSAR *Lit.:* like the dust, humble. Volunteer organisation of Muslims under leadership of Inayatullah Khan.
KHALISTAN The name given to a projected Sikh State.
KHARIF Autumn; autumn harvest.
KHASSADAR Member of a loose irregular body of police who operated in the Tribal Area of the N.-W.F.P., choosing their own officers and finding their own rifles.
KHILAFAT (CALIPHATE) *Lit.:* deputyship. The office of Caliph, the title adopted by successors of the Prophet in the headship of the Muslim world.
KISAN Peasant, cultivator.
KUOMINTANG The National People's Party in China founded by Sun Yat-sen at the beginning of the twentieth century.
LATHI Thick stick, usually bamboo, sometimes bound with iron rings.
MAHAKOSHAL Term given to Hindi-speaking districts of the Central Provinces.
MAHARAJKUMAR Son of a Maharaja.
MAHASABHA *Lit.:* Great Assembly. Hindu Mahasabha: political party based on militant Hinduism.
MAJLIS Council, assembly or party.
MANDI Market.
MANTRA Sacred (Hindu) text used as a prayer or incantation.
MAUND A measure of weight varying in different localities; the standard maund is 82·28 lbs.
MOFUSSIL Outlying parts of district or province as distinct from chief station or town.
MOMIN (MOMON) Muslim weaver.
MUFTI One competent to issue a ruling on a disputed point of Sacred Law. In the Ottoman Empire it was the practice to appoint a *Mufti* to a province, district or city (e.g. the Grand Mufti of Jerusalem) who was in effect the chief authority in the area on all matters of Sacred Law and jurisdiction.
NAWAB Originally a Governor under the Moghul Empire; thence a title of rank conferred on Muslim nobles.
NAWABZADA Son of a Nawab.
NEPAL TERAI Lowland belt 10–30 miles deep running E–W along Southern edge of Himalayan massif.
NETAJI (NETAJEE) Leader; title by which Subhas Chandra Bose became known.

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NIABAT The territory in charge of a naib or deputy-governor.
PANCHAYAT Court of arbitration (properly of five persons) for determination of petty disputes; village council.
PANTHIC PARTY (SIKH) Formed in spring 1946 in Punjab Assembly to resist the idea of Pakistan.
PARSEES Descendants of Zoroastrian refugees who fled from Persia on its conquest by Muslims in the eighth century A.D.; chiefly settled in western India and distinguished as merchants, traders and shipbuilders.
PATHAN Generic name given to Pushto-speaking people inhabiting North-West Frontier of India and Afghanistan.
PURDAH *Lit.:* Veil or Curtain; the Muslim practice of keeping women in seclusion.
PYTHON Codeword for the repatriation of men and women of the British Armed forces from overseas after a stated period of service.
QAID-I-AZAM Supreme Leader.
RABI Spring Harvest; crop sown after the rains and reaped in the first 3 or 4 months of the year.
RAJ Kingdom, rule, sovereignty.
SABHA Assembly, meeting, party.
SANAD Grant, charter, certificate; deed of grant by a sovereign of an office, privilege or right.
SANTAL (SANTHAL) A tribe of Chota Nagpur, Bihar and Bengal.
SCHEDULED CASTES or Depressed Classes. At the lower end of the scale of castes, considered to cause pollution by touch.
SCOUTS A mounted irregular force with British officers employed in the N.-W.F.P.
SHARIAT (SHARIYAT) Laws of Mohammed.
SHIAH (SHIA) *Lit.:* party, sect; the name given by other Muslims to those who believe that Ali, cousin and son-in-law of the Prophet, was his rightful successor.
SHRI (SRI) Sanskrit word used by Hindus to denote 'Mr'.
SIKH *Lit.:* disciple. Follower of Guru Nanak (1469–1538), the first of the line of ten leaders (Gurus) who formulated the Sikh faith and welded the Sikhs into an independent community.
SWARAJ Self-rule, independence.
TALUKDAR (TALUQDAR) Holder of a *taluq*, a proprietary estate.
TALUQA A revenue sub-division of a district.
TERAI *see* NEPAL TERAI.
THANA Police station, and hence area of its jurisdiction.
ZOOLUM (ZOOLM) Unjustified harsh treatment, tyranny.
ZOROASTRIANISM The national folk religion of Iran until superseded by Islam after the Muhammadan invasion in the eighth century A.D.

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CRIPPS, Sir (Richard) Stafford, M.P. (Lab.) for Bristol, East; in March 1942 had carried constitutional proposals to India; President of the Board of Trade from 1945. For Cripps Mission, Cripps offer, Cripps proposals etc. *see* CRIPPS MISSION *and* DRAFT DECLARATION *in Index of Subjects*. At Cabinet 42, 104, 244, 372, 419, 441, 509, 538; at India and Burma Committee 33, 78, 92, 99, 105, 168, 217, 247, 299, 355; at Financial and Commercial Policy Committee 409; suggests policy after failure of Simla Conference 2 n., 444; suggests action on lines of Cripps offer 4; interview with United Press of America 7; his secretary's letter to Jinnah in April 1942 37, 82; makes proposals to India Committee 89; and Congress Socialists 155, 162, 170, 181–2; suggests Carl Heath as adviser to Secretary of State 155, 162; suggests Nye as Governor of Madras 156; and dissolution of provincial legislatures 179; and proposal for U.K. High Commissioner in India 224, 358 enc.; circulates to Cabinet letter from Shiva Rao 248; correspondence with Pethick-Lawrence about letters etc., from Major Short 261–2, 285, 349; and nominations for Punjab elections 273 n., 293; favours inclusion of Sorensen in Parliamentary Delegation 286; reported telephone conversation with Gandhi 296; sends Pethick-Lawrence letter from Shiva Rao 319; sends India Office notes from 'F.M.' and Moon 350; and proposed kindergarten 360; Nehru's letters to 384, 496; and Cabinet Mission 388, 402, 405, 411–12, 415, discussion at Chequers on 468, 484, 488, discussion at 10 Downing Street on 524; and invitation to stay with Viceroy, 476, 483; Horace Alexander's letter to 485; and audience with King 494, 502; favours Monckton visiting Hyderabad 510; *also* 22, 47, 54 enc., 72, 83, 137, 167, 356 n., 424, 440, 459, 493, 498, 501, 517

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GRIGG, Sir Percy James, Finance Member, Viceroy's Executive Council 1934–9; M.P. (Nat.) for Cardiff, East; Secretary of State for War 1942–5 382
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